



Sid Stroud
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August 14, 2019

Hon. Veronica L. Ruberto, Administrative Law Judge
Hearings Division
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967

Railroad Commission
of Texas
RECEIVED

AUG 16 2019

Hon. Kyle L. Lebby, Administrative Law Judge
Hearings Division
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967

Surface Mining Division

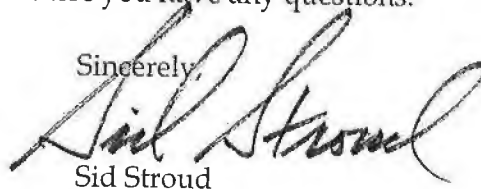
RE: Luminant Mining Company LLC ("Luminant")
Assignment of Technical Examiner to Luminant Dockets

Dear Judge Ruberto and Judge Lebby:

Luminant Mining Company LLC has received your recent letters regarding Mr. Tim Walter's selection to fill the newly created Technical Examiner position. Luminant has no objection to Mr. Walter serving in this capacity on any of the subject proceedings as follows:

Docket No. C19-0010-SC-49-C, Bremond Mine Permit 49B Renewal/Revision
Docket No. C18-0015-SC-50-C, Kosse Mine Permit 50B Renewal/Revision
Docket No. C19-0020-SC-05-B, Thermo Mine Permit 5G, H-Area Reclamation Plan
Docket No. C14-0005-SC-04-F, Martin lake Mine Permit 4L, Phase I-III bond Release, 954.7 ac
Docket No. C15-0004-SC-34-F, Monticello Mine Permit 34F, Phase I, II, III Bond Release, 929.4 ac
Docket No. C16-0002-SC-34-F, Monticello Mine Permit 34F, Phase II, III bond Release, 418.0 ac
Docket No. C17-0005-SC-34-F, Monticello Mine Permit 34F, Phase I, II, III Bond Release 516.3 ac
Docket No. C19-0009-SC-48-F, Three Oaks Mine Permit 48C, Phase I Bond Release 301.30 ac
Docket No. C19-0019-SC-03-F, Big Brown Mine Permit 3F, Phase I-III Bond Release 592.5 ac
Docket No. C17-0004-SC-46-F, Oak Hill Mine Permit 46C, Phase I, II, III bond Release 274.5 ac

Please contact me or Mr. Scott Mills at (214) 875-9090 if there you have any questions.

Sincerely,

Sid Stroud

cc: Mr. Alexander C. Schoch, Interim Director, SMRD
Mr. David Cornett, Hearing Division

WAYNE CHRISTIAN, *CHAIRMAN*
CHRISTI CRADDICK, *COMMISSIONER*
RYAN SITTON, *COMMISSIONER*



DANA AVANT LEWIS, *DIRECTOR*

RAILROAD COMMISSION OF TEXAS

HEARINGS DIVISION

MEMORANDUM

TO: Records Section
Surface Mining and Reclamation Division

FROM: Kyle L. Lebby, Administrative Law Judge
Hearings Division

DATE: August 13, 2019

SUBJECT: **Docket No. C19-0020-SC-05-B**
Luminant Mining Company, LLC (Luminant)
Application for Revision No. 34
Permit No. 5G, Monticello Thermo Mine, Hopkins County
Mailing of Notice of Application to Landowners

Railroad Commission
of Texas
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AUG 15 2019

Surface Mining Division

I hereby certify that on August 12, 2019, the attached notice of application, map, and cover letter was mailed by first-class mail to the attached list owners of interests in lands within and adjacent to the permit area of Permit No. 5G.

A separate memo regarding mailing of the notice to state and federal agencies and local authorities was transmitted to SMRD Records by memorandum dated August 13, 2019.

A blue ink signature of Kyle L. Lebby, written in a cursive style, is positioned above a horizontal line. Below the line, the name "Kyle L. Lebby, Administrative Law Judge" is printed.

Kyle L. Lebby, Administrative Law Judge

Attachments:

Sample copy of letter to landowners and owners of other interests
Copy of Notice of Application
Copy of mailing list

c: Service List

SERVICE LIST

SMRD DOCKET NO. C19-0020-SC-05-B: Luminant Mining Company LLC, Application for Revision No. 34, Permit No. 5G, Monticello Thermo Mine, Hopkins County, Texas

Via Email

Mr. Alexander C. Schoch, Interim Director
Surface Mining and Reclamation Division
Railroad Commission of Texas
P.O. Box 12967
Austin, TX 78711-2967
Alex.Schoch@rrc.texas.gov

Ms. Kathy Keils and
Ms. Jessica Mendoza, Staff
Office of General Counsel
Railroad Commission of Texas
P.O. Box 12967
Austin, TX 78711-2967
kathy.keils@rrc.texas.gov
jessica.mendoza@rrc.texas.gov

Via Email

Mr. Sid Stroud, Manager
Mine Compliance
Luminant Environmental Services
6555 Sierra Drive
Irving, TX 75039
sid.stroud@luminant.com

Via Email:

Mr. Martin Alvarez, SMRD
Mr. Dale Donahue, SMRD
Mr. Scott Mills, Luminant
Ms. Kimberly Mireles, Luminant

Via Intra-Agency Mail:

SMRD Records
Case File
Legal File



David Cornett, Legal Assistant
Hearings Division

Rule § 1.7 Ex Parte Communications

- (a) *Ex parte communications are prohibited in contested cases as provided in the APA and other applicable rules including the Texas Disciplinary Rules of Professional Conduct.*
- (b) *Each party shall provide all other parties with a copy of all documents submitted to an examiner.*
 - (1) *The attachment of a certificate of service stating that a document was served on a party creates a rebuttable presumption that the named party was provided a copy.*
 - (2) *Failure to provide a copy to all other parties may result in rejection and return of the document without consideration.*

WAYNE CHRISTIAN, *CHAIRMAN*
CHRISTI CRADDICK, *COMMISSIONER*
RYAN SITTON, *COMMISSIONER*



DANA AVANT LEWIS, *DIRECTOR*

RAILROAD COMMISSION OF TEXAS HEARINGS DIVISION

Re: **Docket No. C19-0020-SC-05-B**
Luminant Mining Company, LLC (Luminant)
Application for Revision No. 34
Permit No. 5G, Monticello Thermo Mine, Hopkins County

To Whom It May Concern:

Enclosed for your information is a copy of a public notice of the above-referenced application that has been filed with the Railroad Commission of Texas. This notice is sent by Railroad Commission policy to landowners and adjoining landowners of the permit area, as well as owners of other real estate interests and other interested persons.

Please be advised that the deadline for written comments on this application is **September 30, 2019**. The deadline to request a hearing on the application is **October 14, 2019**. Comments or requests for hearing should be sent to the undersigned at the address listed on this letterhead (below). If you have no comments, no reply is required.

Sincerely,

A handwritten signature in dark ink, appearing to read "K. Lebby".

Kyle L. Lebby, Administrative Law Judge
Hearings Division

Enclosure: Public Notice of Application



RAILROAD COMMISSION OF TEXAS

HEARINGS DIVISION

PUBLIC NOTICE

NOTICE OF APPLICATION FOR
REVISION OF SURFACE MINING PERMIT No. 5G
Monticello-Thermo Mine, Revision Application No. 34
Luminant Mining Company LLC
Docket No. C19-0020-SC-05-B

Luminant Mining Company LLC ("Luminant"), 6555 Sierra Drive, Irving, Texas 75039 has submitted a permit revision application titled Monticello-Thermo Mine, Permit No. 5G, Revision Application No. 34 ("Application"), to the Railroad Commission of Texas Surface Mining and Reclamation Division ("Commission") for approval. Revision Application No. 34 proposes to revise the reclamation plan for an approximate 85-acre area of the H-Area within the Monticello-Thermo Mine by updating post mine slopes and post mine contours.

The proposed changes to the postmine slopes and postmine contours will involve reclaiming and recontouring an existing earthen stockpile that will be covered with a minimum four feet of the approved suitable soil material, thus leaving an elevated land feature approximately 110-feet in height consistent with the executed Development Agreement ("Agreement") with the City of Sulphur Springs ("City"). Approval of this application would facilitate the execution of a reclamation plan prepared collaboratively with the City in support of long-term plans memorialized in said Agreement, executed by the City and Luminant in a Special City Council Meeting on October 16, 2018.

The executed Agreement is included in Supplemental Document No. 1 to the application and is recorded in the Real Property Records of Hopkins County. It is intended that the City be the ultimate end user of the acreage that is subject of Revision No. 34 after the area has been reclaimed in accordance with all applicable regulations.

This application also shows the revised location of the H-03 Permanent Impoundment as a result of ceasing mining operations and provides general design plans for the H-01 Treatment Pond and H-01 Permanent Impoundment. Luminant proposes to revise the postmine land uses within the H-Area as a part of Revision No. 34 and a separate application (Revision No. 35).

A Form SMRD-1C is also included within Revision Application No. 34 to update Luminant's mailing address and the list on names of individuals who are authorized to act on behalf of the applicant. Permit 5G, issued on December 14, 2010, contains approximately 4,506 acres and is located in Hopkins County, Texas.

Copies of the Application are on file with and available for public inspection at the agencies and locations identified below. A copy of the complete application dated August 1, 2017 (1-volume)

Public Notice of Application
Docket No. C19-0020-SC-05-B
Luminant Mining Company LLC
Application for Revision No. 34
Permit No. 5G, Monticello-Thermo Mine

and Supplemental Document No. 1 dated May 6, 2019 (1-volume) may be inspected in the main office of the Railroad Commission of Texas at 1701 North Congress, William B. Travis Building, Austin, Texas, or at the office of the Hopkins County Clerk, Hopkins County Courthouse Annex, 128 Jefferson Street E., Sulphur Springs, Texas, 75482.

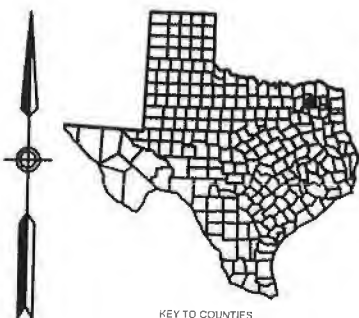
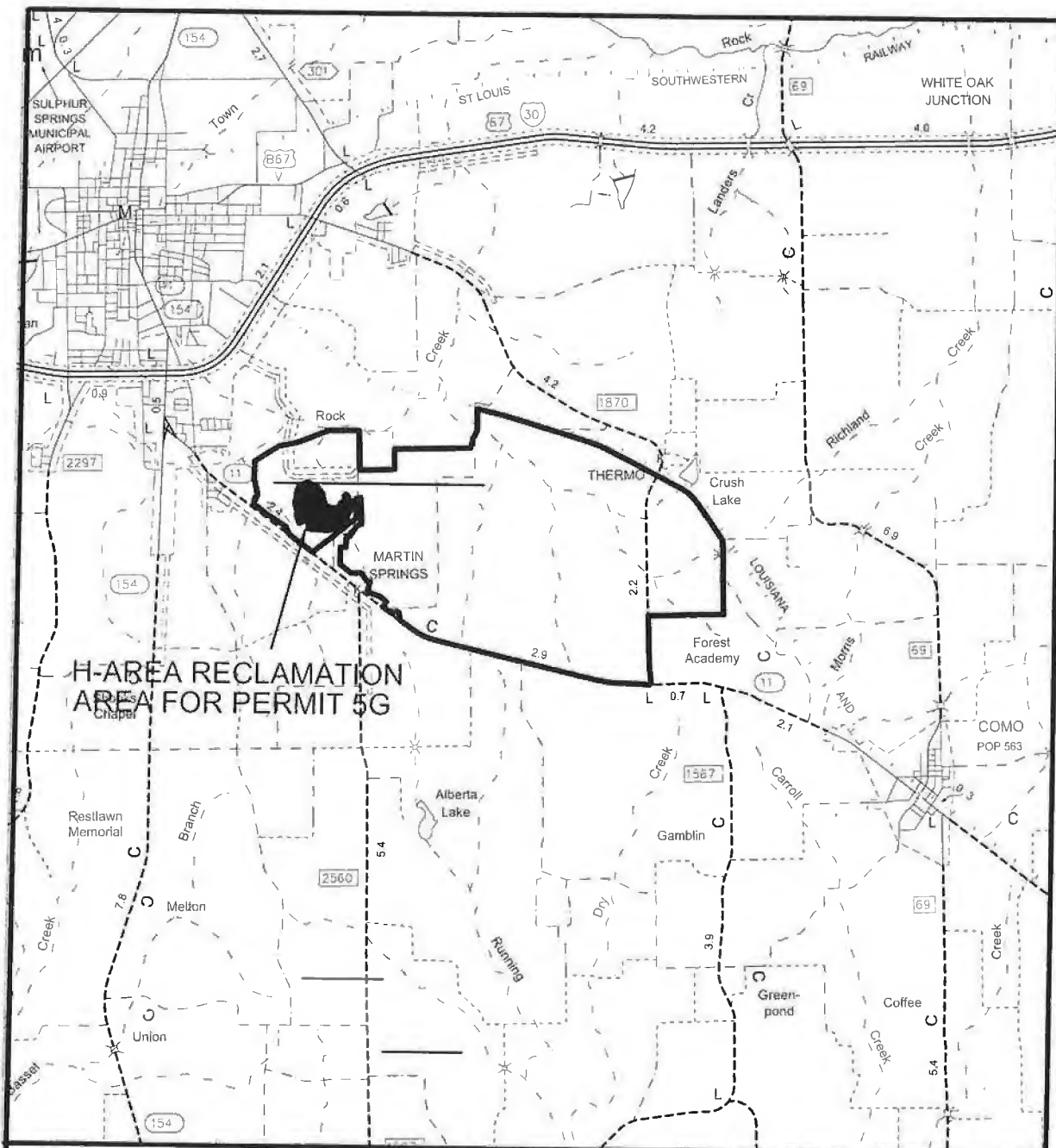
This permit application may be supplemented from time to time during the review process, with supplemental information placed in separate volumes and filed for public inspection. Interested persons should contact the Administrative Law Judge or continue to check the public copies of the application to determine the current status.

As depicted on the location map included with this public notice, Permit 5G lies approximately three miles southeast of the town of Sulphur Springs, Texas. The permit boundary follows State Highway No. 11 from the intersection of FM 1870 westward to the intersection of Hopkins County Road No. 2309 where it meanders westward along property tract boundaries to a point near the intersection of State Highway No. 11 and County Road No. 2307. The boundary then generally follows County Road No. 2307 northward for approximately 0.7 mile where it turns and runs southwestward until it intersects State Highway No. 11. The boundary then generally follows State Highway No. 11 northwestward approximately 0.7 mile where it turns north and then eastward before dropping southward to intersect CR 2307. The boundary then moves northeastward to again intersect CR 2309. It then follows CR 2309 northward to intersect the Louisiana-Arkansas Railroad where it follows the railroad's southern right-of-way eastward to a point approximately one mile past the intersection of FM 1870. The boundary then drops southward for approximately 0.7 miles and then moves westward to again intersect FM 1870 where it follows FM 1870 southward to State Highway No. 11. Permit 5G is contained within the "Sulphur Springs S.E." U.S. Geological Survey 7.5-minute Quadrangle map for Texas.

The Application is made pursuant to the Texas Surface Coal Mining and Reclamation Act, TEX. NAT. RES. CODE ANN. Chapter 134 (Vernon Supp. 2019) and the Coal Mining Regulations, Texas Railroad Commission, TEX. ADMIN. CODE, Title 16, Part 1, Chapter 12 (Thomson West 2019). Notice will be published once a week for four consecutive weeks. Requests for public hearing must be submitted within 45 days of the last date of publication of this notice. Interested persons are invited to submit written comments on the application within 30 days of the last date of publication of this notice. All written comments, objections or requests for public hearing or informal conference on the Application should be directed to:

Kyle L. Lebby, Administrative Law Judge
Hearings Division
C/o Docket Services, Docket No. C19-0020-SC-05-B
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967

Luminant proposes to conduct reclamation activities on property it owns, property owned by Luminant Generation Company LLC or property where a valid coal and lignite lease exists.



KEY TO COUNTIES



PERMIT 5G BOUNDARY

LUMINANT MINING CO.

PROJECT LOCATION MAP

SCALE: 1in = Approx. 1.5 mi.

L. D. Adams
1352 CR 2389
Pickton, TX 75471

Jason Nathaniel & Charlotte Arrington
4485 Hwy 11 East
Sulphur Springs, TX 75482

Linda Booker Bennett
P. O. Box 921
Sulphur Springs, TX 75482

Brinker Water System
P. O. Box 9
Como, TX 75431

City of Sulphur Springs
125 S. Davis Street
Sulphur Springs, TX 75482

Donny Berry
5722 FM 1870
Sulphur Springs, TX 75482

Eva Mae Phillips
147 Russell Drive
Sulphur Springs, TX 75482

Galarza, Jorge Fernandez
4876 Hwy. 11 East
Sulphur Springs, TX 75482

Richard Giesell
dba Dairy Health Services Inc.
3135 E State Highway 11`
Sulphur Springs, TX 75482

Kenneth & Margie R. Hall
35 CR 4760
Sulphur Springs, TX 75483

Harold W. Haynsworth
Dannie Lynn Haynsworth
3374 Texas Hwy 11 East
Sulphur Springs, TX 75482

Ronald Irvin
8525 Hwy 11 East
Sulphur Springs, TX 75482

James R. Jenkins and Doris Jenkins
3193 Texas Highway 11 East
Sulphur Springs, TX 75482

Kansas City Southern Railway Company
328 Oak Ave.
Sulphur Springs, TX 75482

Levi & Bertha Velasco
P. O. Box 375
Como, TX 75431

Martin Springs Water Supply Co.
P. O. Box 9
Como, TX 75431

McKay, Charles
3805 Camino Dr
Plano, TX 75074

Simon Mejia
Maria Luiza Mejia
7150 Hwy 11 E
Sulphur Springs, TX 75482

Donald and Aundrea Morris, Jr.
3955 CR 2307
Sulphur Springs, TX 75482

James B. & Kimberly Pace
69 CR 2306
Sulphur Springs, TX 75482

Randall Littrell
4676 Hwy 11 East
Sulphur Springs, TX 75482

Ricky D. Orr
3821 CR 2307
Sulphur Springs, TX 75482

Juan Sanchez Romero
6350 FM 1870
Sulphur Springs, TX 75482

Carlton N Sewell
107 Morris Drive
Sulphur Springs, TX 75482

Teddy G. & Janice A. Steward
31 CR 2306
Sulphur Springs, TX 75482

Texas Department of Highways
& Public Transportation
1365 N. Main
Paris, TX 75460

Troyce and Mary Dennis Revocable Living Trust
Troyce & Mary Beth Dennis Trustees
118 Taylor George Drive
Longview, TX 75605

Walter B. Pair and wife, Naomi Pair
5878 FM 1870
Sulphur Springs, TX 75482

Jeffrey Williams
1088 CR 2319
Sulphur, TX 75482

William F., Jr. and Patricia Young
4015 CR 2307
Sulphur Springs, TX 75482

Allison, Ricky R.
dba Dairy Health Services Inc.
3135 E State Highway 11
Sulphur Springs, TX 75482

Atmos Energy Mid Texas Division
P. O. Box 650205
Dallas, TX 75265-0205

Daniel R. Blount
55 CR 2473
Sulphur Springs, TX 75482

Clint and Linda Bulkley
5889 IH 30 West
Brashear, TX 75420

Carmen Tolson Cross, Trustee
237 West Oak Circle
Sulphur Springs, TX 75482

Brenda & Hardy Draughon
3845 Windstream Way
Jamestown, NC 27282

FIGCMM Holdings Company LLC
P. O. Box 1111
Henderson, TX 75653

James K. & Sherry Lynne Garrard
2989 CR 4762
Sulphur Springs, TX 75482

Glenna Steed
3167 Texas Hwy. 11 East
Sulphur Springs, TX 75482

Irene Hanson
208 Glover Street
Sulphur Springs, TX 75482

C. Don Hicks
215 CR 325
Quitman, TX 75783

Irvin, Glenn
P. O. Box 361
Sulphur Springs, TX 75483

Jimmy & Rosemary Springer
3889 CR 2307
Sulphur Springs, TX 75482

Bonnie Booker Kids
1516 Northwood Court
Longview, TX 75605

Magellan Pipeline Co.
One Williams Center
Real Estate Services MD 27-8
Tulsa, OK 74172

Robbie K. Massey
2255 Hwy 19 S
Sulphur Springs, TX 75482

Jose Mejia
7142 Hwy 11 E
Sulphur Springs, TX 75482

Mejia, Antonio
Lidia Mejia
7154 Hwy 11 East
Sulphur Springs, TX 75842

Jerry C. Mote
313 Davidson Street
Sulphur Springs, TX 75482

Pratt Farms LP
% Emily Pratt Quortrup
18701 Campbell Road
Dallas, TX 75252

Reed Scrap Metal LLC
309 Woodcrest
Sulphur Springs, TX 75482

Roger and Kim Ridner
4522 TX Hwy 11 E
Sulphur Springs, TX 75482

Ruth E. Mellore
6024 FM 1870
Sulphur Springs, TX 75482

Chai Daniel and Jeong Hee Jeon Siriphongs
1427 S. Broadway Street
Sulphur Springs, TX 75482

Jon & Joan Stowater
dba Dairy Health Services Inc.
3135 E State Highway 11
Sulphur Springs, TX 75482

Dana R. Thompson
4041 CR 2307
Sulphur Springs, TX 75482

Verizon
P. O. Box 660108
Dallas, TX 75266-0108

Wanda Freeman
112 Charles Street
Sulphur Springs, TX 75482

Michael and Kelly Wood
399 FM 2560
Sulphur Springs, TX 75482

Scott Andrews
P. O. Box 661
Winnsboro, TX 75494

Barnes, Ben
% Dale Seymore
4673 TX HWY 11 E
Sulphur Springs, TX 75482

Henry Lawrence Booker III
1305 CR 2473
Sulphur Springs, TX 75482

C. B. Lynch, III
3008 Hickory Ridge Circle
Bryan, TX 77807

Curtis & Yronda Deloney
6258 St. Hwy 11 east
Sulphur Springs, TX 75482

Edward James Pingel and Leslie Pingel
1779 CR 2307
Sulphur Springs, TX 75482

Frances C. Parker
% Jean Frazier
315 CR 3640
Sulphur Springs, TX 75482

Patsy Gibson
4055 Hwy. 11 East
Sulphur Springs, TX 75482

Glover, Robert Lee
40022 Country Forest Dr
Magnolia, TX 77354

Harlan Willey
5908 FM 1870
Sulphur Springs, TX 75482

Brandon Hopper
3739 CR 2307
Sulphur Springs, TX 75482

James E. Jones
4622 Hwy 11 East
Sulphur Springs, TX 75482

John Orr, Jr.
3977 Texas Highway 11 East
Sulphur Springs, TX 75482

L.P. Gas Storage, Inc.
Suburban Propane
P. O. Box 206
Whippany, NJ 07981-0206

Martin Springs Baptist Church
4638 Hwy 11 East
Sulphur Springs, TX 75482

Ellen and Megan Matthews
5700 FM 1870
Sulphur Springs, TX 75482

Rogelio and Maria D. Mejia
7158 Hwy 11 E
Sulphur Springs, TX 75482

Michael and Sandra Webb
116 Briarwood Lane
Sulphur Springs, TX 75482

Oncor Electric Delivery Company LLC
Seventh Floor
1616 Woodall Rodgers Frwy
Dallas, TX 75202-1234

Quentin Hurley and Teri Hurley
3306 Texas Hwy 11 East
Sulphur Springs, TX 75482

Richard L. Benson and Shirley Benson
3983 CR 2307
Sulphur Springs, TX 75482

Robert Wayne Oliver
329 CR 3446
Emory, TX 75440

Romero and Ana R Sanchez
6350 FM 1870
Sulphur Springs, TX 75482

State of Texas
c/o State Department of Highways
125 E 11th Street
Austin, TX 78701-2483

Sunbelt Custom Mineral LLC
1726 FM 2560
Sulphur Springs, TX 75482

Tommy Glenn and Carol Glenn
3392 HWY 11 East
Sulphur Springs, TX 75482

Vivian Van Vleet
4722 Tx Hwy 11 East
Sulphur Springs, TX 75482

Wayne Hinton Sr. Trust
% Roger Wright
602 Kelli8 Circle
Sulphur Springs, TX 75482

Wright, Frank
512 Gail
Sulphur Springs, TX 75482

LOUIE V. WOODALL
& MAROLYN WOODALL
3647 FM RD 2820
SUMNER, TX 75486-9710

NELL T. TANTON
1698 WOODSIDE LN
SULPHUR SPRINGS, TX 75482

BILLY O RAY
4527 EARLY AUTUMN CT
HUMBLE, TX 77396-1923

JUDITH DEATON
324 MERRELL DR
SULPHUR SPRINGS, TX 75482

RONDA LUMMUS COX
4403 88TH PLACE
LUBBOCK, TX 79424

MICHAEL AND SANDRA WEBB
116 BRIARWOOD LANE
SULPHUR SPRINGS, TX 75482

HAROLD G DEATON
362 CR 3523
DIKE, TX 75437

JO RUTH HODGE
601 VONDA DR
SULPHUR SPRINGS, TX 75482

PATSY GILLISPIE WALTERS
P O BOX 154
PICKTON, TX 75471

DAVID W. MILLER
3500 CR 2301
SULPHUR SPRINGS, TX 75482

MARIA LUISA SANCHEZ
8506 LONDONBERRY
DALLAS, TX 75228

MARY LOU RAMEY
2120 ANNES TRAIL
SAN MARCOS, TX 78666

VICKIE LYNN BURGSTAHLER
P O BOX 143
SULPHUR SPRINGS, TX 75483-0143

TRAVIS B & MARY HICKS
502 SEQUOIA DR
GARLAND, TX 75041

ALISHA SMITH
1129 INDUSTRIAL DR E
SULPHUR SPRINGS, TX 75482-3326

PATSY F. ELLIOTT
1044 CHURCH ST. #102
SULPHUR SPRINGS, TX 75482

ADMIN OF THE ESTATE OF
BILLY RAY WRIGHT DEC'D
2151 CR 4202
GREENVILLE, TX 75401-1451

CARLA ANN WEAVER KROUT BELL
8529 S MARITIME PLACE
TUCSON, AZ 85706

BETTY WEAVER
10650 NORTH PORTLAND LOT B
MARANA, AZ 85653

GARY MASSEY
154 CR 2319
SULPHUR SPRINGS, TX 75482

LARRY GOLIGHTLY
AND JUANITA GOLIGHTLY
5720 FARNSWORTH
FT WORTH, TX 76107

DAISY I TARRANT

324 WOODCREST CIR
SULPHUR SPRINGS, TX 75482-3714

MIGUEL A. TREJO & DONNA F TREJO
4985 FM 1563
WOLFE CITY, TX 75496

ROY L RAWSON JR
140 DREXEL DR
SULPHUR SPRINGS, TX 75482

RUTHMARY HALL
1049 CHURCH ST
SULPHUR SPRINGS, TX 75482

TRENA LEFAN BAIRD
1431 MT VERNON
MESQUITE, TX 75149

PATRICIA ANN HARRIS GUNN
318 CR 2400
PICKTON, TX 75471

DORA ANN DEATON
104 CEDAR SPRINGS BLVD
SULPHUR SPRINGS, TX 75482

HENRY W STONE AND VERA STONE
P O BOX 193
COMO, TX 75431

GERALD E. THOMAS & JANICE THOMAS
#5 PINE TRAIL
TEXARKANA, AR 71854-3027

JOSE ANGEL SANCHEZ
114 WEST BECKHAM
SULPHUR SPRINGS, TX 75482

CYNTHIA SANCHEZ
114 WEST BECKHAM
SULPHUR SPRINGS, TX 75482

OLA WORSHAM REVOC. LIVING TRUST

JOHN CHARLES WORSHAM, SUC. TR.
90 CR 4306
DEKALB, TX 75559

JOHN C WORSHAM
90 CR 4306
DEKALB, TX 75559

JOE A & BOBBIE MILLER WORSHAM
2665 FM 2560
SULPHUR SPRINGS, TX 75482

ELLIS C MORGAN
509 MERRELL DR
SULPHUR SPRINGS, TX 75482-5024

HOLMES M WALLS
& AUDREY ELAINE WALLS
19815 EXCALIBUR COURT
HOUSTON, TX 77094-3469

DAVID RAY TALLEY
& MARY ELIZABETH TALLEY
9654 FM 1567 W
BRASHEAR, TX 75420-6952

DONA WEAVER MCNAMER
PO BOX 7581
BEND, OR 97708

TOMMY BRANDENBURG
& MARY BRANDENBURG
11 CR 36140
HONEY GROVE, TX 75446-8057

PHILLIP D ROSS & GLENDA ROSS
791 CR 3311
SULPHUR SPRINGS, TX 75482

J M BLOUNT & SANDRA BLOUNT
1608 MOCKINBIRD LN
SULPHUR SPRINGS, TX 75482

DOUGLAS AND DEBRA TARRANT

212 MARIANNE CIRCLE
SULPHUR SPRINGS, TX 75482

RICHARD DARLIN
PO BOX 1382
SULPHUR SPRINGS, TX 75482

DAVID L JACKSON
5664 MONTGOMERY RD
MIDLOTHIAN, TX 76065-4818

GAYLA LUMMUS LEONARD
18835 CALLE CIERRA
SAN ANTONIO, TX 78258-4032

SANDRA LEFAN WEBB
116 BRIARWOOD LN
SULPHUR SPRINGS, TX 75482

BILLY WAYNE DEATON
1604 MYRTLE DR
SULPHUR SPRINGS, TX 75482

LARRY DON DEATON
104 CEDAR SPRINGS BLVD
SULPHUR SPRINGS, TX 75482

DELILAH WILLINGHAM
6935 SEDGWICK
DALLAS, TX 75231

ELMER E. BROOKS
AND LILLIE M. BROOKS
202 COUNTY ROAD 2092
COMMERCE, TX 75428-8026

ROSA NELLY SANCHEZ
114 WEST BECKHAM
SULPHUR SPRINGS, TX 75482

RAMEY FAMILY TRUST
2120 ANNES TRAIL
SAN MARCOS, TX 78666

KATHY JEANNE PUTMAN
902 BOWMAN ST
IRVING, TX 75060-3719

DANIEL B HICKS & GAIL HICKS
616 HWY 11 EAST
SULPHUR SPRINGS, TX 75482-4953

MICHAEL G SMITH
704 LONGINO ST
SULPHUR SPRINGS, TX 75482

DAVID KELLY
1104 LEMON DR
SULPHUR SPRINGS, TX 75482

ADRIENE J. WRIGHT
2151 CR 4202
GREENVILLE, TX 75401-1451

CHARLES MEREDITH MITCHELL
400 PEACH ST
SULPHUR SPRINGS, TX 75482-4242

JULIENNA WEAVER DEWITT
225 WILLOWGLEN
CRESCENT CITY, CA 95531

DANIEL AND RACHEL WRIGLEY
22 DOLLY ROAD
SULPHUR SPRINGS, TX 75482-6978

RIIKINA & JASON LANGFORD
20364 LAKESHORE CIRCLE
FLINT, TX 75762

BEN BARNES & JEAN BARNES
C/O DALE SEYMORE
4673 HWY 11 E
SULPHUR SPRINGS, TX 75482

WAYNE CHRISTIAN, *CHAIRMAN*
CHRISTI CRADDICK, *COMMISSIONER*
RYAN SITTON, *COMMISSIONER*



DANA AVANT LEWIS, *DIRECTOR*

RAILROAD COMMISSION OF TEXAS

HEARINGS DIVISION

MEMORANDUM

TO: Records Section
Surface Mining and Reclamation Division

FROM: Kyle L. Lebby, Administrative Law Judge
Hearings Division

DATE: August 13, 2019

SUBJECT: **Docket No. C19-0020-SC-05-B**
Luminant Mining Company, LLC (Luminant)
Application for Revision No. 34
Permit No. 5G, Monticello Thermo Mine, Hopkins County
Mailing of Notice of Application to Agencies and Local Authorities

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AUG 15 2019

Surface Mining Division

I hereby certify that on August 12, 2019, the attached notice of application was mailed to the attached list of state and federal agencies and local authorities. In addition to those agencies specified in §12.207(c)(1), notification was provided to the Sulphur River Basin Authority, Hopkins-Rains Soil and Water Conservation District and City Manager of Sulphur Springs pursuant to §12.207(c)(2). The notice was also sent to the Hopkins County Judge and Clerk. Each federal and state agency was sent a cover letter and request form (samples attached). All mailings were made by first-class mail.

A separate memo regarding mailing of the notice to owners of interests in lands within and adjacent to the permit area was transmitted to SMRD Records by memorandum dated August 13, 2019.



Kyle L. Lebby, Administrative Law Judge

Attachments:

Sample copy of letter to agency with sample copy of request form
Copy of Notice of Application
Mailing list of state, federal and local entities

c: Service List

SERVICE LIST

SMRD DOCKET NO. C19-0020-SC-05-B: Luminant Mining Company LLC, Application for Revision No. 34, Permit No. 5G, Monticello Thermo Mine, Hopkins County, Texas

Via Email

Mr. Alexander C. Schoch, Interim Director
Surface Mining and Reclamation Division
Railroad Commission of Texas
P.O. Box 12967
Austin, TX 78711-2967
Alex.Schoch@rrc.texas.gov

Ms. Kathy Keils and
Ms. Jessica Mendoza, Staff
Office of General Counsel
Railroad Commission of Texas
P.O. Box 12967
Austin, TX 78711-2967
kathy.keils@rrc.texas.gov
jessica.mendoza@rrc.texas.gov

Via Email

Mr. Sid Stroud, Manager
Mine Compliance
Luminant Environmental Services
6555 Sierra Drive
Irving, TX 75039
sid.stroud@luminant.com

Via Email:

Mr. Martin Alvarez, SMRD
Mr. Dale Donahue, SMRD
Mr. Scott Mills, Luminant
Ms. Kimberly Mireles, Luminant

Via Intra-Agency Mail:

SMRD Records
Case File
Legal File



David Cornett, Legal Assistant
Hearings Division

Rule § 1.7 Ex Parte Communications

- (a) *Ex parte communications are prohibited in contested cases as provided in the APA and other applicable rules including the Texas Disciplinary Rules of Professional Conduct.*
- (b) *Each party shall provide all other parties with a copy of all documents submitted to an examiner.*
 - (1) *The attachment of a certificate of service stating that a document was served on a party creates a rebuttable presumption that the named party was provided a copy.*
 - (2) *Failure to provide a copy to all other parties may result in rejection and return of the document without consideration.*

WAYNE CHRISTIAN, CHAIRMAN
CHRISTI CRADDICK, COMMISSIONER
RYAN SITTON, COMMISSIONER



DANA AVANT LEWIS, DIRECTOR

RAILROAD COMMISSION OF TEXAS HEARINGS DIVISION

Re: **Docket No. C19-0020-SC-05-B**
Luminant Mining Company, LLC (Luminant)
Application for Revision No. 34
Permit No. 5G, Monticello Thermo Mine, Hopkins County

MR RICHARD A HYDE, P.E.
EXECUTIVE DIRECTOR
TX COMMISSION ON ENVIRONMENTAL QUALITY
P O BOX 13087
AUSTIN TX 78711-3087

Dear MR RICHARD A HYDE, P.E.

Luminant Mining Company LLC (Luminant) has applied to the Railroad Commission of Texas requesting to revise its surface mining permit, Permit No. 5G, for the Monticello-Thermo Mine. The application, titled Revision No. 34, proposes to revise the reclamation plan within the H-Area of the mine. The Monticello-Thermo Mine, consisting of approximately 4,506 acres, is located in Hopkins County approximately three miles southeast of the town of Sulfur Springs, Texas. Enclosed is a copy of the public notice of application which provides additional information on the application that proposes to revise post mine slopes, post mine contours and other changes to approved reclamation operations.

Public notices are being published once each week for four consecutive weeks in the *Sulphur Springs News-Telegram* beginning on August 8, 2019 and ending on August 29, 2019. Written comments, identified with the docket number shown on this letter, shall be submitted no later than 30 days following the last date of publication of the notice. The deadline for submission of comments is September 30, 2019. (The request for hearing deadline is October 14, 2019). If you request copies of any additional supplements to the application which may be filed and wish to file comments regarding supplementary materials, these comments shall be submitted no later than 10 days from the date of the transmittal of the Surface Mining and Reclamation Division Staff's Addendum to the Technical Analysis reviewing the supplement. If requested, the Administrative Law Judge may reschedule the date for submittal of comments to supplements.

To obtain a copy of the application for review, please complete and return the enclosed request form to Alexander Schoch, Interim Director, Surface Mining and Reclamation Division, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711-2967. You may reach the Division by phone at (512) 463-6900. Written comments shall be submitted to: Kyle L. Lebby, Administrative Law Judge, Hearings Division, at the Commission's address. For additional information, please contact David Cornett at (512) 463-1290.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Lebby".

Kyle L. Lebby, Administrative Law Judge
Hearings Division

C: SMRD Files
Case File
Legal File

WAYNE CHRISTIAN, CHAIRMAN
CHRISTI CRADDICK, COMMISSIONER
RYAN SITTON, COMMISSIONER



DANA AVANT LEWIS, DIRECTOR

RAILROAD COMMISSION OF TEXAS

HEARINGS DIVISION

PLEASE RETURN TO:
Railroad Commission of Texas
Surface Mining and Reclamation Division
P.O. Box 12967
1701 N. Congress Avenue
Austin, Texas 78711-2967

RAILROAD COMMISSION OF TEXAS

REQUEST FORM FOR COPY OF APPLICATION

AGENCY: TX COMMISSION ON ENVIRONMENTAL QUALITY

DATE SENT TO AGENCY: August 9, 2019

(PLEASE CHECK ONE)

COPY OF APPLICATION: ☐ REQUESTED ☐ NOT REQUESTED

COMPANY NAME: Luminant Mining Company LLC

ADDRESS: 6555 Sierra Drive, Irving, Texas 75039

NAME OF APPLICATION: Revision No. 34 to Permit No. 5G

NAME OF MINE AND COUNTY/COUNTY: Monticello-Thermo Mine/Hopkins County

DATE ADMINISTRATIVELY COMPLETE: July 10, 2019

DOCKET NO.: C19-0020-SC-05-B

The Railroad Commission is required under Chapter 134, TEX. NAT. RES. CODE (Vernon Supp. 2019) to notify several governmental agencies of the permit application. Each such agency may review the permit application and submit such comments as the agency cares to make. Such comments should include an enumeration of permits and licenses required under the agency's jurisdiction. Such comments shall be made a part of the record and one copy shall be furnished to the applicant. If comments are not returned to the Commission's Hearings Division by the end of the 30-day comment period, it will be presumed that the proposed plans outlined in the permit application are acceptable to the specified state agency



RAILROAD COMMISSION OF TEXAS

HEARINGS DIVISION

PUBLIC NOTICE

NOTICE OF APPLICATION FOR
REVISION OF SURFACE MINING PERMIT No. 5G
Monticello-Thermo Mine, Revision Application No. 34
Luminant Mining Company LLC
Docket No. C19-0020-SC-05-B

Luminant Mining Company LLC ("Luminant"), 6555 Sierra Drive, Irving, Texas 75039 has submitted a permit revision application titled Monticello-Thermo Mine, Permit No. 5G, Revision Application No. 34 ("Application"), to the Railroad Commission of Texas Surface Mining and Reclamation Division ("Commission") for approval. Revision Application No. 34 proposes to revise the reclamation plan for an approximate 85-acre area of the H-Area within the Monticello-Thermo Mine by updating post mine slopes and post mine contours.

The proposed changes to the postmine slopes and postmine contours will involve reclaiming and recontouring an existing earthen stockpile that will be covered with a minimum four feet of the approved suitable soil material, thus leaving an elevated land feature approximately 110-feet in height consistent with the executed Development Agreement ("Agreement") with the City of Sulphur Springs ("City"). Approval of this application would facilitate the execution of a reclamation plan prepared collaboratively with the City in support of long-term plans memorialized in said Agreement, executed by the City and Luminant in a Special City Council Meeting on October 16, 2018.

The executed Agreement is included in Supplemental Document No. 1 to the application and is recorded in the Real Property Records of Hopkins County. It is intended that the City be the ultimate end user of the acreage that is subject of Revision No. 34 after the area has been reclaimed in accordance with all applicable regulations.

This application also shows the revised location of the H-03 Permanent Impoundment as a result of ceasing mining operations and provides general design plans for the H-01 Treatment Pond and H-01 Permanent Impoundment. Luminant proposes to revise the postmine land uses within the H-Area as a part of Revision No. 34 and a separate application (Revision No. 35).

A Form SMRD-1C is also included within Revision Application No. 34 to update Luminant's mailing address and the list on names of individuals who are authorized to act on behalf of the applicant. Permit 5G, issued on December 14, 2010, contains approximately 4,506 acres and is located in Hopkins County, Texas.

Copies of the Application are on file with and available for public inspection at the agencies and locations identified below. A copy of the complete application dated August 1, 2017 (1-volume)

and Supplemental Document No. 1 dated May 6, 2019 (1-volume) may be inspected in the main office of the Railroad Commission of Texas at 1701 North Congress, William B. Travis Building, Austin, Texas, or at the office of the Hopkins County Clerk, Hopkins County Courthouse Annex, 128 Jefferson Street E., Sulphur Springs, Texas, 75482.

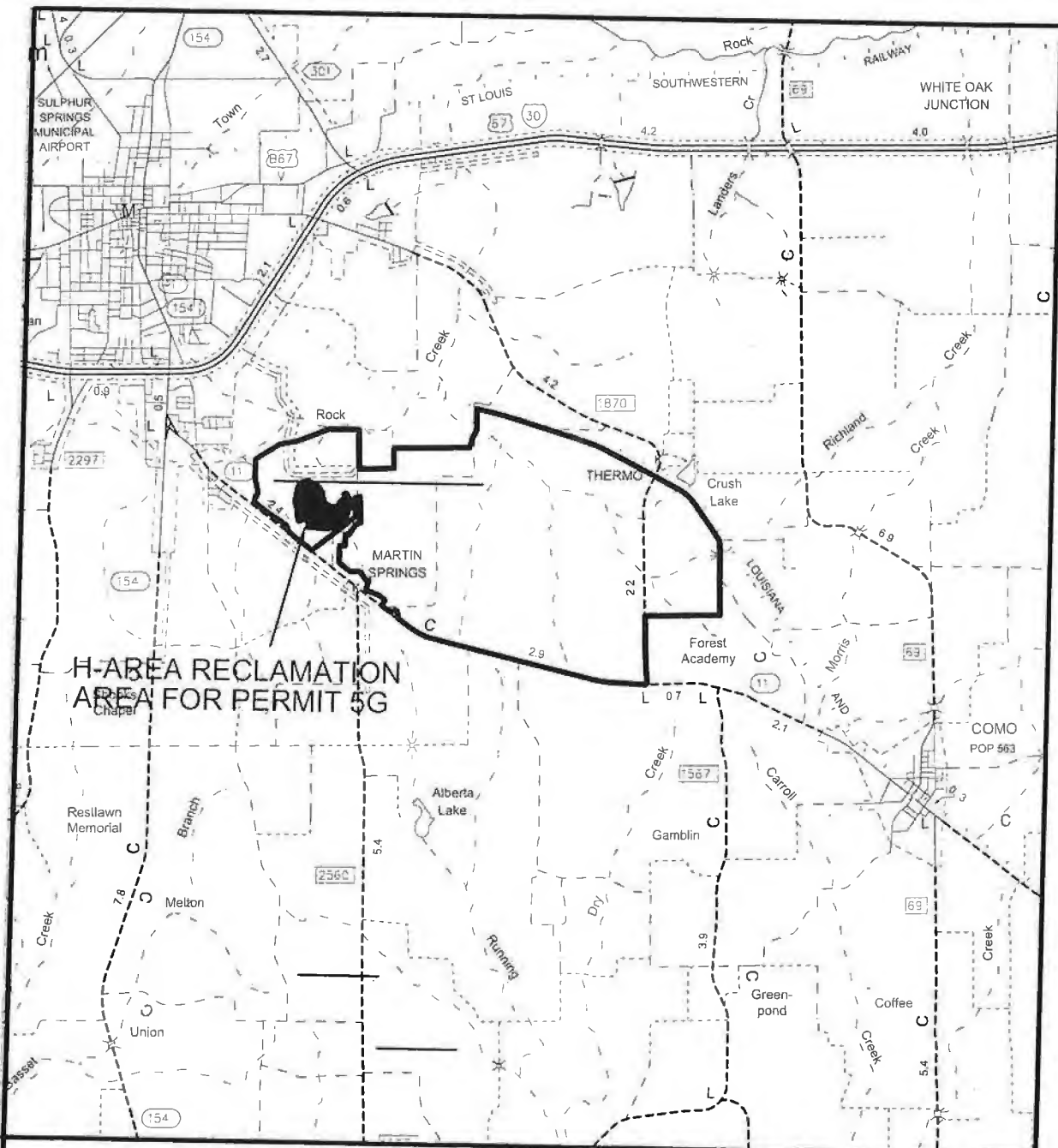
This permit application may be supplemented from time to time during the review process, with supplemental information placed in separate volumes and filed for public inspection. Interested persons should contact the Administrative Law Judge or continue to check the public copies of the application to determine the current status.

As depicted on the location map included with this public notice, Permit 5G lies approximately three miles southeast of the town of Sulphur Springs, Texas. The permit boundary follows State Highway No. 11 from the intersection of FM 1870 westward to the intersection of Hopkins County Road No. 2309 where it meanders westward along property tract boundaries to a point near the intersection of State Highway No. 11 and County Road No. 2307. The boundary then generally follows County Road No. 2307 northward for approximately 0.7 mile where it turns and runs southwestward until it intersects State Highway No. 11. The boundary then generally follows State Highway No. 11 northwestward approximately 0.7 mile where it turns north and then eastward before dropping southward to intersect CR 2307. The boundary then moves northeastward to again intersect CR 2309. It then follows CR 2309 northward to intersect the Louisiana-Arkansas Railroad where it follows the railroad's southern right-of-way eastward to a point approximately one mile past the intersection of FM 1870. The boundary then drops southward for approximately 0.7 miles and then moves westward to again intersect FM 1870 where it follows FM 1870 southward to State Highway No. 11. Permit 5G is contained within the "Sulphur Springs S.E." U.S. Geological Survey 7.5-minute Quadrangle map for Texas.

The Application is made pursuant to the Texas Surface Coal Mining and Reclamation Act, TEX. NAT. RES. CODE ANN. Chapter 134 (Vernon Supp. 2019) and the Coal Mining Regulations, Texas Railroad Commission, TEX. ADMIN. CODE, Title 16, Part 1, Chapter 12 (Thomson West 2019). Notice will be published once a week for four consecutive weeks. Requests for public hearing must be submitted within 45 days of the last date of publication of this notice. Interested persons are invited to submit written comments on the application within 30 days of the last date of publication of this notice. All written comments, objections or requests for public hearing or informal conference on the Application should be directed to:

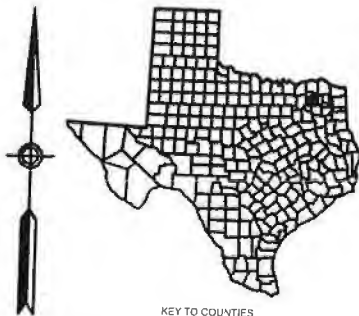
Kyle L. Lebby, Administrative Law Judge
Hearings Division
C/o Docket Services, Docket No. C19-0020-SC-05-B
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967

Luminant proposes to conduct reclamation activities on property it owns, property owned by Luminant Generation Company LLC or property where a valid coal and lignite lease exists.



H-AREA RECLAMATION
AREA FOR PERMIT 5G

LUMINANT MINING CO.



PERMIT 5G BOUNDARY

PROJECT LOCATION MAP

SCALE: 1in = Approx. 1.5 mi.

455-38
MR RICHARD A HYDE, P.E.
EXECUTIVE DIRECTOR
TX COMMISSION ON ENVIRONMENTAL QUALITY
P O BOX 13087
AUSTIN TX 78711-3087

455-38
DR SCOTT W TINKER, DIRECTOR
BUREAU OF ECONOMIC GEOLOGY
UNIVERSITY OF TEXAS
UNIVERSITY STATION BOX X
AUSTIN TX 78713-8924

455-38
MR BILL FARR
MINERALS LEASING
GENERAL LAND OFFICE
1700 N CONGRESS AVE
AUSTIN TX 78701

455-38
MS L'OREAL W STEPNEY P E
DEPUTY DIRECTOR OFFICE OF WATER
TX COMMISSION ON ENVIRONMENTAL QUALITY
P.O. BOX 13087
AUSTIN TX 78711

455-38
MR LEE MUNZ
CONSERVATION PROGRAMS
TEXAS STATE SOIL AND WATER CONSERVATION BD
P O BOX 658
TEMPLE TX 76503

455-38
MR MARK WOLFE
EXECUTIVE DIRECTOR
TEXAS HISTORICAL COMMISSION
P O BOX 12276
AUSTIN TX 78711

455-38
MR SALVADOR SALINAS
STATE CONSERVATIONIST
NATURAL RESOURCES CONSERVATION SERVICE
101 S MAIN
TEMPLE TX 76501-7682

455-38
MR WILLIAM (BILL) JOSEPH DIRECTOR TULSA FIELD OFFICE
OFFICE OF SURFACE MINING TULSA FIELD OFFICE
1645 SOUTH 101ST EAST AVENUE STE 145
TULSA OK 74128-4629

455-38
MR WAYNE LEA
U S ARMY CORPS OF ENGINEERS
FORT WORTH DISTRICT
P O BOX 17300
FORT WORTH TX 76102

455-38
MS LAURA ZEBEHAZY, PROGRAM COORDINATOR
WILDLIFE HABITAT ASSESSMENT PROGRAM
TEXAS PARKS AND WILDLIFE DEPARTMENT
4200 SMITH SCHOOL ROAD
AUSTIN TX 78744-3251

455-38
MS KAREN B. HARDIN
WILDLIFE HABITAT ASSESSMENT PROGRAM
TEXAS PARKS AND WILDLIFE DEPARTMENT
P O BOX 279
BUFFALO TX 75831

455-38
MS. DEBRA BILLS, FIELD SUPERVISOR
U.S. FISH & WILDLIFE ECOLOGICAL SERVICE
2005 NE GREEN OAKS BLVD, STE 140
ARLINGTON, TX 76006

455-38
ENVIRONMENTAL PROTECTION AGENCY
FOUNTAIN PLACE 12TH FLOOR, SUITE 1200
1445 ROSS AVENUE
DALLAS TX 75202-2733

455-38

Sulphur River Basin Authority
911 North Bishop St. Suite C 104
Wake Village, Texas 75501

455-38

Hopkins-Rains Soil and Water Conservation District
530 Hillcrest, Ste 2
Sulphur Springs, TX 75482

455-38

Hon Robert Newsom
Hopkins County Judge
P.O. Box 288
Sulphur Springs, TX 75483

455-38

Ms. Tracy Smith
Hopkins County Clerk
128 Jefferson St., Suite C
Sulphur Springs, TX 75482

455-38

Marc Maxwell, City Manager
City of Sulphur Springs - City Hall
201 North Davis St.
Sulphur Springs, TX 75482

WAYNE CHRISTIAN, CHAIRMAN
CHRISTI CRADDICK, COMMISSIONER
RYAN SITTON, COMMISSIONER



DANA AVANT LEWIS, DIRECTOR

RAILROAD COMMISSION OF TEXAS

HEARINGS DIVISION

August 13, 2019

Railroad Commission
of Texas
RECEIVED

AUG 15 2019

Re: **Docket No. C19-0020-SC-05-B**
Luminant Mining Company, LLC (Luminant)
Application for Revision No. 34
Permit No. 5G, Monticello Thermo Mine, Hopkins County

Surface Mining Division

Dear Mr. Stroud and Interim Director Schoch:

Please be advised that a Technical Examiner (TE) position has been created within the Hearings Division that will be committed to surface mining and reclamation dockets. The TE will provide technical expertise to assist the Administrative Law Judge presiding over each individual surface mining case.

Mr. Tim Walter, P.G., has been selected to fill the newly created TE position; transitioning out of his previous role as Manager of the Applications and Permits Section within the Surface Mining and Reclamation Division (SMRD), a party to the above-referenced proceeding.

If a party objects to Mr. Walter acting as TE in this matter, it should file any objection **on or before August 21, 2019**. If a party does not object prior to the stated deadline it will be treated as consent. However, if a party has no objection, it is encouraged to file its consent in the docket prior to the deadline.

If a ruling is issued that precludes Mr. Walter from serving in this capacity, a different TE within the Hearings Division will be assigned to this docket. The parties will be notified of any reassignment when appropriate.

Contact for Additional Information – In accordance with 16 Texas. Admin. Code §1.7, ex parte communications with Administrative Law Judges, Examiners, and Commissioners are prohibited. If you have any e-mail communications, clerical requests, docketing issues or other questions unrelated to the merits of the above-referenced case, the parties are requested to contact Mr. David Cornett, Hearings Legal Assistant, by email at david.cornett@rrc.texas.gov or telephone at (512) 463-1290 or Docket Services by email at docketservices@rrc.texas.gov or telephone at (512) 463-6848. Also, the parties are requested to copy the Service List with regard to any communications sent to the Hearings Division.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kyle L. Lebby".

Kyle L. Lebby, Administrative Law Judge
Hearings Division

Service List

SERVICE LIST

SMRD DOCKET NO. C19-0020-SC-05-B: Luminant Mining Company LLC, Application for Revision No. 34, Permit No. 5G, Monticello Thermo Mine, Hopkins County, Texas

Via Email

Mr. Alexander C. Schoch, Interim Director
Surface Mining and Reclamation Division
Railroad Commission of Texas
P.O. Box 12967
Austin, TX 78711-2967
Alex.Schoch@rrc.texas.gov

Ms. Kathy Keils and
Ms. Jessica Mendoza, Staff
Office of General Counsel
Railroad Commission of Texas
P.O. Box 12967
Austin, TX 78711-2967
kathy.keils@rrc.texas.gov
jessica.mendoza@rrc.texas.gov

Via Email

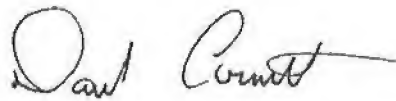
Mr. Sid Stroud, Manager
Mine Compliance
Luminant Environmental Services
6555 Sierra Drive
Irving, TX 75039
sid.stroud@luminant.com

Via Email:

Mr. Martin Alvarez, SMRD
Mr. Dale Donahue, SMRD
Mr. Scott Mills, Luminant
Ms. Kimberly Mireles, Luminant

Via Intra-Agency Mail:

SMRD Records
Case File
Legal File



David Cornett, Legal Assistant
Hearings Division

Rule § 1.7 Ex Parte Communications

- (a) *Ex parte communications are prohibited in contested cases as provided in the APA and other applicable rules including the Texas Disciplinary Rules of Professional Conduct.*
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 - (2) *Failure to provide a copy to all other parties may result in rejection and return of the document without consideration.*



Luminant

FILED FOR RECORD
HOPKINS COUNTY, TEXAS

2019 AUG -8 A 9:23

TRACY SMITH
COUNTY CLERK

BY SP DEPUTY

Sid Stroud
Manager, Mine Compliance
Environmental Services
sid.stroud@luminant.com

Luminant
6555 Sierra Drive
Irving, Texas 75039

T 214.875.9129
C 214.729.2171
F 214.875.8699

Railroad Commission
of Texas
RECEIVED

AUG 15 2019

August 8, 2019

Surface Mining Division

Hopkins County Clerk
Hopkins County Courthouse Annex
128 Jefferson Street East
Sulphur Springs, Texas 75482

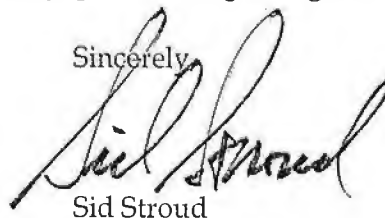
RE: Luminant Mining Company LLC
Monticello-Thermo Mine, Permit No. 5G
Application for Revision No. 34
Docket No. C19-0020-SC-05-B

To Whom It May Concern:

In accordance with Section §12.207(d)(1) and (2) of the Railroad Commission of Texas' Coal Mining Regulations, enclosed is one (1) copy of a document titled Monticello-Thermo Mine, Permit No. 5G, Revision Application No. 34, (1-volume) dated August 1, 2017 and one (1) copy of a document titled Monticello-Thermo Mine, Permit 5G, Revision Application No. 34, Supplemental Document No. 1, (1-volume) dated May 6, 2019. Luminant Mining Company LLC requests that these documents be filed and made available for public inspection at the office of the Hopkins County Clerk.

Please contact Scott Mills at (214) 875-9090 if you have any questions regarding this request.

Sincerely,



Sid Stroud

SS/SM/tg
Enclosure

Via hand delivery

Hopkins County Clerk
Document Filing
Page Two
August 8, 2019

Luminant Mining Company LLC
Monticello-Thermo Mine, Permit No. 5G
Application for Revision No. 34
Docket No. C19-0020-SC-05-B

SERVICE LIST

Hon. Kyle L. Lebby, Administrative Law Judge
Hearings Division
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967

Mr. Alexander C. Schoch, Interim Director
Surface Mining and Reclamation Division
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967

Mr. Tab Urbantke, Attorney for Applicant
Hunton Andrews Kurth LLP
1445 Ross Avenue, suite 3700
Dallas, Texas 75202



Sid Stroud
Manager, Mine Compliance
Environmental Services
sid.stroud@luminant.com

Luminant
6555 Sierra Drive
Irving, Texas 75039

T 214.875.9129
C 214.729.2171
F 214.875.8699

August 5, 2019

Railroad Commission
of Texas
RECEIVED

AUG 06 2019

Hon. Kyle L. Lebby, Administrative Law Judge
Hearings Division
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967

Surface Mining Division

Re: Luminant Mining Company LLC ("Luminant")
Monticello-Thermo Mine, Permit No. 5G
Application for Revision No. 34
Docket No. C19-0020-SC-05-B

Dear Judge Lebby:

In accordance with your letter dated July 24, 2019, all owners of interests within and contiguous to the Monticello-Thermo Mine, Permit 5G boundary were emailed to Mr. David Cornett on this date in a MS Word format for his use in preparing mailing labels for this docket.

Luminant's publication of notice will run in the *Sulphur Springs News-Telegram* on August 8, 15, 22 and 29, 2019. A copy of the complete application will also be on file for public inspection in the Hopkins County Clerk's Office on August 8, 2019.

Please contact Scott Mills at (214) 875-9090 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Scott Mills" with a stylized flourish at the end.
Sid Stroud

SS/SM/tg
Enclosure

Xc: Mr. Alexander C. Schoch - Interim Director of SMRD (w/3 enclosures)

Hon. Kyle L. Lebby, Administrative Law Judge
Page two
August 5, 2019

Bxc: One Team Distribution List

2019-08-05 THM 5G Revision No. 34 Mailing Labels and Publication Dates to ALJ

L. D. Adams
1352 CR 2389
Pickton, TX 75471

Allison, Ricky R.
dba Dairy Health Services Inc.
3135 E State Highway 11
Sulphur Springs, TX 75482

Scott Andrews
P. O. Box 661
Winnsboro, TX 75494

Jason Nathaniel & Charlotte Arrington
4485 Hwy 11 East
Sulphur Springs, TX 75482

Atmos Energy Mid Texas Division
P. O. Box 650205
Dallas, TX 75265-0205

Barnes, Ben
% Dale Seymore
4673 TX HWY 11 E
Sulphur Springs, TX 75482

Linda Booker Bennett
P. O. Box 921
Sulphur Springs, TX 75482

Daniel R. Blount
55 CR 2473
Sulphur Springs, TX 75482

Henry Lawrence Booker III
1305 CR 2473
Sulphur Springs, TX 75482

Brinker Water System
P. O. Box 9
Como, TX 75431

Clint and Linda Bulkley
5889 IH 30 West
Brashear, TX 75420

C. B. Lynch, III
3008 Hickory Ridge Circle
Bryan, TX 77807

City of Sulphur Springs
125 S. Davis Street
Sulphur Springs, TX 75482

Carmen Tolson Cross, Trustee
237 West Oak Circle
Sulphur Springs, TX 75482

Curtis & Yronda Deloney
6258 St. Hwy 11 east
Sulphur Springs, TX 75482

Donny Berry
5722 FM 1870
Sulphur Springs, TX 75482

Brenda & Hardy Draughon
3845 Windstream Way
Jamestown, NC 27282

Edward James Pingel and Leslie
Pingel
1779 CR 2307
Sulphur Springs, TX 75482

Eva Mae Phillips
147 Russell Drive
Sulphur Springs, TX 75482

FIGCMM Holdings Company LLC
P. O. Box 1111
Henderson, TX 75653

Frances C. Parker
% Jean Frazier
315 CR 3640
Sulphur Springs, TX 75482

Galarza, Jorge Fernandez
4876 Hwy. 11 East
Sulphur Springs, TX 75482

James K. & Sherry Lynne Garrard
2989 CR 4762
Sulphur Springs, TX 75482

Patsy Gibson
4055 Hwy. 11 East
Sulphur Springs, TX 75482

Richard Giesell
dba Dairy Health Services Inc.
3135 E State Highway 11`
Sulphur Springs, TX 75482

Glenna Steed
3167 Texas Hwy. 11 East
Sulphur Springs, TX 75482

Glover, Robert Lee
40022 Country Forest Dr
Magnolia, TX 77354

Kenneth & Margie R. Hall
35 CR 4760
Sulphur Springs, TX 75483

Irene Hanson
208 Glover Street
Sulphur Springs, TX 75482

Harlan Willey
5908 FM 1870
Sulphur Springs, TX 75482

Harold W. Haynsworth
Dannie Lynn Haynsworth
3374 Texas Hwy 11 East
Sulphur Springs, TX 75482

C. Don Hicks
215 CR 325
Quitman, TX 75783

Brandon Hopper
3739 CR 2307
Sulphur Springs, TX 75482

Ronald Irvin
8525 Hwy 11 East
Sulphur Springs, TX 75482

Irvin, Glenn
P. O. Box 361
Sulphur Springs, TX 75483

James E. Jones
4622 Hwy 11 East
Sulphur Springs, TX 75482

James R. Jenkins and Doris Jenkins
3193 Texas Highway 11 East
Sulphur Springs, TX 75482

Jimmy & Rosemary Springer
3889 CR 2307
Sulphur Springs, TX 75482

John Orr, Jr.
3977 Texas Highway 11 East
Sulphur Springs, TX 75482

Kansas City Southern Railway
Company
328 Oak Ave.
Sulphur Springs, TX 75482

Bonnie Booker Kids
1516 Northwood Court
Longview, TX 75605

L.P. Gas Storage, Inc.
Suburban Propane
P. O. Box 206
Whippany, NJ 07981-0206

Levi & Bertha Velasco
P. O. Box 375
Como, TX 75431

Magellan Pipeline Co.
One Williams Center
Real Estate Services MD 27-8
Tulsa, OK 74172

Martin Springs Baptist Church
4638 Hwy 11 East
Sulphur Springs, TX 75482

Martin Springs Water Supply Co.
P. O. Box 9
Como, TX 75431

Robbie K. Massey
2255 Hwy 19 S
Sulphur Springs, TX 75482

Ellen and Megan Matthews
5700 FM 1870
Sulphur Springs, TX 75482

McKay, Charles
3805 Camino Dr
Plano, TX 75074

Jose Mejia
7142 Hwy 11 E
Sulphur Springs, TX 75482

Rogelio and Maria D. Mejia
7158 Hwy 11 E
Sulphur Springs, TX 75482

Simon Mejia
Maria Luiza Mejia
7150 Hwy 11 E
Sulphur Springs, TX 75482

Mejia, Antonio
Lidia Mejia
7154 Hwy 11 East
Sulphur Springs, TX 75482

Michael and Sandra Webb
116 Briarwood Lane
Sulphur Springs, TX 75482

Donald and Aundrea Morris, Jr.
3955 CR 2307
Sulphur Springs, TX 75482

Jerry C. Mote
313 Davidson Street
Sulphur Springs, TX 75482

Oncor Electric Delivery Company LLC
Seventh Floor
1616 Woodall Rodgers Frwy
Dallas, TX 75202-1234

James B. & Kimberly Pace
69 CR 2306
Sulphur Springs, TX 75482

Pratt Farms LP
% Emily Pratt Quortrup
18701 Campbell Road
Dallas, TX 75252

Quentin Hurley and Teri Hurley
3306 Texas Hwy 11 East
Sulphur Springs, TX 75482

Randall Littrell
4676 Hwy 11 East
Sulphur Springs, TX 75482

Reed Scrap Metal LLC
309 Woodcrest
Sulphur Springs, TX 75482

Richard L. Benson and Shirley Benson
3983 CR 2307
Sulphur Springs, TX 75482

Ricky D. Orr
3821 CR 2307
Sulphur Springs, TX 75482

Roger and Kim Ridner
4522 TX Hwy 11 E
Sulphur Springs, TX 75482

Robert Wayne Oliver
329 CR 3446
Emory, TX 75440

Juan Sanchez Romero
6350 FM 1870
Sulphur Springs, TX 75482

Ruth E. Mellore
6024 FM 1870
Sulphur Springs, TX 75482

Romero and Ana R Sanchez
6350 FM 1870
Sulphur Springs, TX 75482

Carlton N Sewell
107 Morris Drive
Sulphur Springs, TX 75482

Chai Daniel and Jeong Hee Jeon
Siriphongs
1427 S. Broadway Street
Sulphur Springs, TX 75482

State of Texas
c/o State Department of Highways
125 E 11th Street
Austin, TX 78701-2483

Teddy G. & Janice A. Steward
31 CR 2306
Sulphur Springs, TX 75482

Jon & Joan Stowater
dba Dairy Health Services Inc.
3135 E State Highway 11
Sulphur Springs, TX 75482

Sunbelt Custom Mineral LLC
1726 FM 2560
Sulphur Springs, TX 75482

Texas Department of Highways
& Public Transportation
1365 N. Main
Paris, TX 75460

Dana R. Thompson
4041 CR 2307
Sulphur Springs, TX 75482

Tommy Glenn and Carol Glenn
3392 HWY 11 East
Sulphur Springs, TX 75482

Troyce and Mary Dennis Revocable
Living Trust
Troyce & Mary Beth Dennis Trustees
118 Taylor George Drive
Longview, TX 75605

Verizon
P. O. Box 660108
Dallas, TX 75266-0108

Vivian Van Vleet
4722 Tx Hwy 11 East
Sulphur Springs, TX 75482

Walter B. Pair and wife, Naomi Pair
5878 FM 1870
Sulphur Springs, TX 75482

Wanda Freeman
112 Charles Street
Sulphur Springs, TX 75482

Wayne Hinton Sr. Trust
% Roger Wright
602 Kelli8 Circle
Sulphur Springs, TX 75482

Jeffrey Williams
1088 CR 2319
Sulphur, TX 75482

Michael and Kelly Wood
399 FM 2560
Sulphur Springs, TX 75482

Wright, Frank
512 Gail
Sulphur Springs, TX 75482

William F., Jr. and Patricia Young
4015 CR 2307
Sulphur Springs, TX 75482

LOUIE V. WOODALL
& MAROLYN WOODALL
3647 FM RD 2820
SUMNER, TX 75486-9710

DAISY I TARRANT
324 WOODCREST CIR
SULPHUR SPRINGS, TX 75482-3714

DOUGLAS AND DEBRA TARRANT
212 MARIANNE CIRCLE
SULPHUR SPRINGS, TX 75482

NELL T. TANTON
1698 WOODSIDE LN
SULPHUR SPRINGS, TX 75482

MIGUEL A. TREJO & DONNA F TREJO
4985 FM 1563
WOLFE CITY, TX 75496

RICHARD DARLIN
PO BOX 1382
SULPHUR SPRINGS, TX 75482

BILLY O RAY
4527 EARLY AUTUMN CT
HUMBLE, TX 77396-1923

ROY L RAWSON JR
140 DREXEL DR
SULPHUR SPRINGS, TX 75482

DAVID L JACKSON
5664 MONTGOMERY RD
MIDLOTHIAN, TX 76065-4818

JUDITH DEATON
324 MERRELL DR
SULPHUR SPRINGS, TX 75482

RUTHMARY HALL
1049 CHURCH ST
SULPHUR SPRINGS, TX 75482

GAYLA LUMMUS LEONARD
18835 CALLE CIERRA
SAN ANTONIO, TX 78258-4032

RONDA LUMMUS COX
4403 88TH PLACE
LUBBOCK, TX 79424

TRENA LEFAN BAIRD
1431 MT VERNON
MESQUITE, TX 75149

SANDRA LEFAN WEBB
116 BRIARWOOD LN
SULPHUR SPRINGS, TX 75482

MICHAEL AND SANDRA WEBB
116 BRIARWOOD LANE
SULPHUR SPRINGS, TX 75482

PATRICIA ANN HARRIS GUNN
318 CR 2400
PICKTON, TX 75471

BILLY WAYNE DEATON
1604 MYRTLE DR
SULPHUR SPRINGS, TX 75482

HAROLD G DEATON
362 CR 3523
DIKE, TX 75437

DORA ANN DEATON
104 CEDAR SPRINGS BLVD
SULPHUR SPRINGS, TX 75482

LARRY DON DEATON
104 CEDAR SPRINGS BLVD
SULPHUR SPRINGS, TX 75482

JO RUTH HODGE
601 VONDA DR
SULPHUR SPRINGS, TX 75482

HENRY W STONE AND VERA STONE
P O BOX 193
COMO, TX 75431

DELILAH WILLINGHAM
6935 SEDGWICK
DALLAS, TX 75231

PATSY GILLISPIE WALTERS
P O BOX 154
PICKTON, TX 75471

GERALD E. THOMAS & JANICE THOMAS
#5 PINE TRAIL
TEXARKANA, AR 71854-3027

ELMER E. BROOKS
AND LILLIE M. BROOKS
202 COUNTY ROAD 2092
COMMERCE, TX 75428-8026

DAVID W. MILLER
3500 CR 2301
SULPHUR SPRINGS, TX 75482

JOSE ANGEL SANCHEZ
114 WEST BECKHAM
SULPHUR SPRINGS, TX 75482

ROSA NELLY SANCHEZ
114 WEST BECKHAM
SULPHUR SPRINGS, TX 75482

MARIA LUISA SANCHEZ
8506 LONDONBERRY
DALLAS, TX 75228

CYNTHIA SANCHEZ
114 WEST BECKHAM
SULPHUR SPRINGS, TX 75482

RAMEY FAMILY TRUST
2120 ANNES TRAIL
SAN MARCOS, TX 78666

MARY LOU RAMEY
2120 ANNES TRAIL
SAN MARCOS, TX 78666

OLA WORSHAM REVOC. LIVING TRUST
JOHN CHARLES WORSHAM, SUC. TR.
90 CR 4306
DEKALB, TX 75559

KATHY JEANNE PUTMAN
902 BOWMAN ST
IRVING, TX 75060-3719

VICKIE LYNN BURGSTAHLER
P O BOX 143
SULPHUR SPRINGS, TX 75483-0143

JOHN C WORSHAM
90 CR 4306
DEKALB, TX 75559

DANIEL B HICKS & GAIL HICKS
616 HWY 11 EAST
SULPHUR SPRINGS, TX 75482-4953

TRAVIS B & MARY HICKS
502 SEQUOIA DR
GARLAND, TX 75041

JOE A & BOBBIE MILLER WORSHAM
2665 FM 2560
SULPHUR SPRINGS, TX 75482

MICHAEL G SMITH
704 LONGINO ST
SULPHUR SPRINGS, TX 75482

ALISHA SMITH
1129 INDUSTRIAL DR E
SULPHUR SPRINGS, TX 75482-3326

ELLIS C MORGAN
509 MERRELL DR
SULPHUR SPRINGS, TX 75482-5024

DAVID KELLY
1104 LEMON DR
SULPHUR SPRINGS, TX 75482

PATSY F. ELLIOTT
1044 CHURCH ST. #102
SULPHUR SPRINGS, TX 75482

HOLMES M WALLS
& AUDREY ELAINE WALLS
19815 EXCALIBUR COURT
HOUSTON, TX 77094-3469

ADRIENE J. WRIGHT
2151 CR 4202
GREENVILLE, TX 75401-1451

ADMIN OF THE ESTATE OF
BILLY RAY WRIGHT DEC'D
2151 CR 4202
GREENVILLE, TX 75401-1451

DAVID RAY TALLEY
& MARY ELIZABETH TALLEY
9654 FM 1567 W
BRASHEAR, TX 75420-6952

CHARLES MEREDITH MITCHELL
400 PEACH ST
SULPHUR SPRINGS, TX 75482-4242

CARLA ANN WEAVER KROUT BELL
8529 S MARITIME PLACE
TUCSON, AZ 85706

DONA WEAVER MCNAMER
PO BOX 7581
BEND, OR 97708

JULIENNA WEAVER DEWITT
225 WILLOWGLEN
CRESCENT CITY, CA 95531

BETTY WEAVER
10650 NORTH PORTLAND LOT B
MARANA, AZ 85653

TOMMY BRANDENBURG
& MARY BRANDENBURG
11 CR 36140
HONEY GROVE, TX 75446-8057

DANIEL AND RACHEL WRIGLEY
22 DOLLY ROAD
SULPHUR SPRINGS, TX 75482-6978

GARY MASSEY
154 CR 2319
SULPHUR SPRINGS, TX 75482

PHILLIP D ROSS & GLENDA ROSS
791 CR 3311
SULPHUR SPRINGS, TX 75482

RIIKINA & JASON LANGFORD
20364 LAKESHORE CIRCLE
FLINT, TX 75762

LARRY GOLIGHTLY
AND JUANITA GOLIGHTLY
5720 FARNSWORTH
FT WORTH, TX 76107

J M BLOUNT & SANDRA BLOUNT
1608 MOCKINBIRD LN
SULPHUR SPRINGS, TX 75482

BEN BARNES & JEAN BARNES
C/O DALE SEYMORE
4673 HWY 11 E
SULPHUR SPRINGS, TX 75482



RAILROAD COMMISSION OF TEXAS

SURFACE MINING AND RECLAMATION DIVISION

August 2, 2019

Ms. Rachel Lange
Program Specialist
Wildlife Habitat Assessment Program
Texas Parks and Wildlife Department
316 Spring Street, Suite 106
Columbus, Texas 78934

Re: Luminant Mining Company LLC (Luminant)
Monticello Thermo Mine, Permit No. 5G
Revision No. 34 (H-Area Reclamation Plan)
Docket No. C18-0015-SC-050-C

Dear Ms. Lange:

Enclosed is a CD containing a copy of Luminant's application for Revision No. 34 to Permit No. 5G, located in Hopkins County, Texas. The application consists of the initial application (one volume) dated August 1, 2017, and Supplemental Document No. 1 (one volume) dated May 6, 2019. The public notice for this permit revision application has not yet been published. I am sending you a copy of this permit revision application now to provide you additional time for review and comment.

Any comments you may have on this application should be filed with Administrative Law Judge Kyle L. Lebby in the Commission's Hearings Division, with a copy provided to the Surface Mining and Reclamation Division.

Sincerely,

A handwritten signature in black ink, appearing to be "AS", written over a horizontal line.

Alexander C. Schoch, Interim Director
Surface Mining and Reclamation Division

ACS/MA/rv
Enclosure
File Reference. No. 1721314



RAILROAD COMMISSION OF TEXAS

SURFACE MINING AND RECLAMATION DIVISION

August 2, 2019

Mr. Chuck Ardizzone
Project Leader
US Fish & Wildlife Service
Texas Coastal Ecological Services
17629 El Camino Real, Suite 211
Houston, Texas 77058

RE: Luminant Mining Company LLC (Luminant)
Monticello Thermo Mine, Permit No. 5G
Renewal No. 34 (H-Area Reclamation Plan)
Docket No. C18-0015-SC-050-C

Dear Mr. Ardizzone:

Enclosed is a CD containing a copy of Luminant's application Revision No. 34 to Permit No. 5G, located in Hopkins County, Texas. The application consists of the initial application (one volume) dated August 1, 2017, and Supplemental Document No. 1 (one volume) dated May 6, 2019. The public notice for this permit renewal/revision application has not yet been published. I am sending you a copy of this permit revision application now to provide you additional time for review and comment.

Any comments you may have on this application should be filed with Administrative Law Judge Kyle L. Lebby in the Commission's Hearings Division, with a copy provided to the Surface Mining and Reclamation Division.

Sincerely,

A handwritten signature in black ink, appearing to be "ASchoch", written over a horizontal line.

Alexander C. Schoch, Interim Director
Surface Mining and Reclamation Division

ACS/MA/rv
Enclosure
File Reference No. 1721314

WAYNE CHRISTIAN, *CHAIRMAN*
CHRISTI CRADDICK, *COMMISSIONER*
RYAN SITTON, *COMMISSIONER*



ALEXANDER C. SCHOCH, *GENERAL COUNSEL*
GENERAL LAW SECTION

RAILROAD COMMISSION OF TEXAS OFFICE OF GENERAL COUNSEL

July 31, 2019

VAI HAND DELIVERY

Mr. Kyle Lebby
Administrative Law Judge
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967

Railroad Commission
of Texas
RECEIVED

JUL 31 2019

Surface Mining Division

RE: Luminant Mining Company, LLC (Luminant)
Monticello Thermo Mine; Permit No. 5G, Revision No. 34 H-Area Reclamation Plan
Hopkins County, Texas.

Dear Judge Lebby:

Attached please find a Notice of Appearance of Counsel for filing in the above referenced matter. I have file stamped and retained a copy of this letter as proof of filing.

Sincerely.

A handwritten signature in blue ink that reads "Kathy Keils".

Kathy Keils, Attorney
Office of General Counsel
Railroad Commission of Texas

RAILROAD COMMISSION OF TEXAS
SURFACE MINING AND RECLAMATION DIVISION
OFFICE OF GENERAL COUNSEL

Luminant Mining Company, LLC	§	
(Luminant)	§	
Monticello Thermo Mine;	§	Docket No.
Permit No. 5G, Revision No. 34 H-Area	§	
Reclamation Plan	§	
Hopkins County, Texas	§	

NOTICE OF APPEARANCE OF COUNSEL

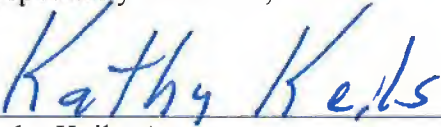
TO THE ADMINISTRATIVE LAW JUDGE and all parties of record in the above-entitled matter, please take notice that Kathy Keils, and Jessica Mendoza, of the Office of General Counsel, hereby enter appearance in the above-entitled matter as legal counsel for the staff of the Surface Mining and Reclamation Division of the Railroad Commission of Texas. All correspondence regarding this matter should be mailed and/or served on said counsels at the following address:

Kathy Keils – kathy.keils@rrc.texas.gov

Jessica Mendoza – jessica.mendoza@rrc.texas.gov

Railroad Commission of Texas
Office of General Counsel
1701 N. Congress Ave.
Austin, TX 78701

Respectfully submitted,



Kathy Keils, Attorney

Jessica Mendoza, Attorney

RAILROAD COMMISSION OF TEXAS

1701 North Congress Avenue

Austin, Texas 78701

Kathy.keils@rrc.texas.gov

State Bar No. 11182950

(512) 463-7562

Jessica.mendoza@rrc.texas.gov

State Bar No. 24078027

(512) 463-3176

Certificate of Service

**SMRD DOCKET NO. _____ Luminant Mining Company, LLC (Luminant)
Monticello Thermo Mine; Permit No. 5G, Revision No. 34 H-Area Reclamation Plan
Hopkins County, Texas.**

The undersigned hereby certifies that a true copy of this letter was served upon the following via email or first-class mail on this 31st day of July 2019:

Via First Class Mail and Email	Via Email
Mr. Sid Stroud, Manager, Mine Compliance Luminant Environmental Services 6555 Sierra Drive Irving, Texas 75039 sid.stroud@luminant.com	Mr. J. Alexander C. Schoch, Interim Director, SMRD Alex.Schoch@rrc.texas.gov
	Mr. Martin Alvarez, SMRD martin.alvarez@rrc.texas.gov Mr. Dale Donahue, SMRD dale.donahue@rrc.texas.gov



Kathy Keils, Attorney
Railroad Commission of Texas

WAYNE CHRISTIAN, *CHAIRMAN*
CHRISTI CRADDICK, *COMMISSIONER*
RYAN SITTON, *COMMISSIONER*



DANA AVANT LEWIS, *DIRECTOR*

RAILROAD COMMISSION OF TEXAS

HEARINGS DIVISION

July 30, 2019

Railroad Commission
of Texas
RECEIVED

JUL 31 2019

Re: **Docket No. C19-0020-SC-05-B**
Luminant Mining Company, LLC (Luminant)
Application for Revision No. 34
Permit No. 5G, Monticello Thermo Mine, Hopkins County

Surface Mining Division

Dear Mr. Stroud:

By letter dated July 29, 2019, Luminant responded to my review of the draft notice regarding the above-referenced application. In the last sentence of the fourth paragraph of the revised notice addressing postmine land uses, please revise the sentence as follows: "Luminant proposes to revise the postmine land uses within the H-Area as a part of Revision No. 34 and a separate application (Revision No. 35)."

All other requested changes have been made. The revised notice and accompanying map are approved for publication with the requested change stated in the first paragraph of this letter. A revised notice reflecting the additional postmine land use language is not required to be submitted for approval; however, please make the change prior to publication.

If any future supplement or staff recommendation results in any substantive changes to the proposed permit application, applicant and/or staff shall advise the Administrative Law Judge (ALJ) of the changes. This will facilitate the ALJ's determination whether the provisions of the public notice are required to be amended to reflect the changes. The failure to advise the ALJ of substantive changes could potentially result in delaying Commission action on the permit application in the event that an amended public notice is determined to be necessary to address significant substantive changes in the permit application. Please be advised that if publication is delayed or amended due to significant changes in the application or failure to coordinate publication with the Commission, such delay will be attributed to the applicant. This letter may be considered as an interim ruling by the ALJ which is subject to change should proposals in the application change significantly.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Lebbey", written over a horizontal line.

Kyle L. Lebbey, Administrative Law Judge
Hearings Division

Service List

SERVICE LIST

SMRD DOCKET NO. C19-0020-SC-05-B: Luminant Mining Company LLC, Application for Revision No. 34, Permit No. 5G, Monticello Thermo Mine, Hopkins County, Texas

Via Email

Mr. Alexander C. Schoch, Interim Director
Surface Mining and Reclamation Division
Railroad Commission of Texas
P.O. Box 12967
Austin, TX 78711-2967
Alex.Schoch@rrc.texas.gov

Via Email

Mr. Sid Stroud, Manager
Mine Compliance
Luminant Environmental Services
6555 Sierra Drive
Irving, TX 75039

Via Email:

Mr. Martin Alvarez, SMRD
Mr. Dale Donahue, SMRD
Mr. Tim Walter, SMRD
Mr. Scott Mills, Luminant
Ms. Kimberly Mireles, Luminant

Via Intra-Agency Mail:

SMRD Records
Case File
Legal File



David Cornett, Legal Assistant
Hearings Division

Rule § 1.7 Ex Parte Communications

- (a) *Ex parte communications are prohibited in contested cases as provided in the APA and other applicable rules including the Texas Disciplinary Rules of Professional Conduct.*
- (b) *Each party shall provide all other parties with a copy of all documents submitted to an examiner.*
 - (1) *The attachment of a certificate of service stating that a document was served on a party creates a rebuttable presumption that the named party was provided a copy.*
 - (2) *Failure to provide a copy to all other parties may result in rejection and return of the document without consideration.*



Sid Stroud
Manager, Mine Compliance
Environmental Services
sid.stroud@luminant.com

Luminant
6555 Sierra Drive
Irving, Texas 75039

T 214.875.9129
C 214.729.2171
F 214.875.8699

Railroad Commission
of Texas
RECEIVED

JUL 31 2019

July 29, 2019

Hon. Kyle L. Lebby, Administrative Law Judge
Hearings Division
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967

Surface Mining Division

Re: Luminant Mining Company LLC ("Luminant")
Monticello-Thermo Mine, Permit No. 5G
Application for Revision No. 34
Docket No. C19-0020-SC-05-B

2019 JUL 30 PM 6:31
RAILROAD COMMISSION
OF TEXAS
FILED

Dear Judge Lebby:

Enclosed for your review and approval is a revised draft publication of notice for the above referenced application. This information is being provided in accordance with your letter dated July 24, 2019 and with minor edits proposed by Luminant and the City of Sulphur Springs.

The changes are shown with gray shading to assist in your review. Luminant intends to begin the publication of notice in the *Sulphur Springs News-Telegram* upon receipt of your approval to publish. Upon receipt of approval to publish, publication dates and mailing labels will be provided for your use and files.

Please contact Scott Mills at (214) 875-9090 if you have any questions.

Sincerely,

Sid Stroud

SS/SM/tg
Enclosure

Xc: Mr. Alexander C. Schoch - Interim Director of SMRD (w/3 enclosures)

PUBLIC NOTICE
NOTICE OF APPLICATION FOR
REVISION OF SURFACE MINING PERMIT No. 5G
Monticello-Thermo Mine, Revision Application No. 34
Luminant Mining Company LLC
Docket No. C19-0020-SC-05-B

Luminant Mining Company LLC ("Luminant"), 6555 Sierra Drive, Irving, Texas 75039 has submitted a permit revision application titled Monticello-Thermo Mine, Permit No. 5G, Revision Application No. 34 ("Application"), to the Railroad Commission of Texas Surface Mining and Reclamation Division ("Commission") for approval. Revision Application No. 34 proposes to revise the reclamation plan for an approximate 85-acre area of the H-Area within the Monticello-Thermo Mine by updating post mine slopes and post mine contours.

The proposed changes to the postmine slopes and postmine contours will involve reclaiming and recontouring an existing earthen stockpile that will be covered with a minimum four feet of the approved suitable soil material, thus leaving an elevated land feature approximately 110-feet in height consistent with the executed Development Agreement ("Agreement") with the City of Sulphur Springs ("City"). Approval of this application would facilitate the execution of a reclamation plan prepared collaboratively with the City in support of long-term plans memorialized in said Agreement, executed by the City and Luminant in a Special City Council Meeting on October 16, 2018.

The executed Agreement is included in Supplemental Document No. 1 to the application and is recorded in the Real Property Records of Hopkins County. It is intended that the City be the ultimate end user of the acreage that is subject of Revision No. 34 after the area has been reclaimed in accordance with all applicable regulations.

This application also shows the revised location of the H-03 Permanent Impoundment as a result of ceasing mining operations and provides general design plans for the H-01 Treatment Pond and H-01 Permanent Impoundment. Luminant proposes to revise the postmine land uses within the H-Area a part of Revision No. 35 that is being processed as a separate application.

A Form SMRD-1C is also included within Revision Application No. 34 to update Luminant's mailing address and the list on names of individuals who are authorized to act on behalf of the applicant. Permit 5G, issued on December 14, 2010, contains approximately 4,506 acres and is located in Hopkins County, Texas.

Copies of the Application are on file with and available for public inspection at the agencies and locations identified below. A copy of the complete application dated August 1, 2017 (1-volume) and Supplemental Document No. 1 dated May 6, 2019 (1-volume) may be inspected in the main office of the Railroad Commission of Texas at 1701 North Congress, William B. Travis Building, Austin, Texas, or at the office of the Hopkins County Clerk, Hopkins County Courthouse Annex, 128 Jefferson Street E., Sulphur Springs, Texas, 75482.

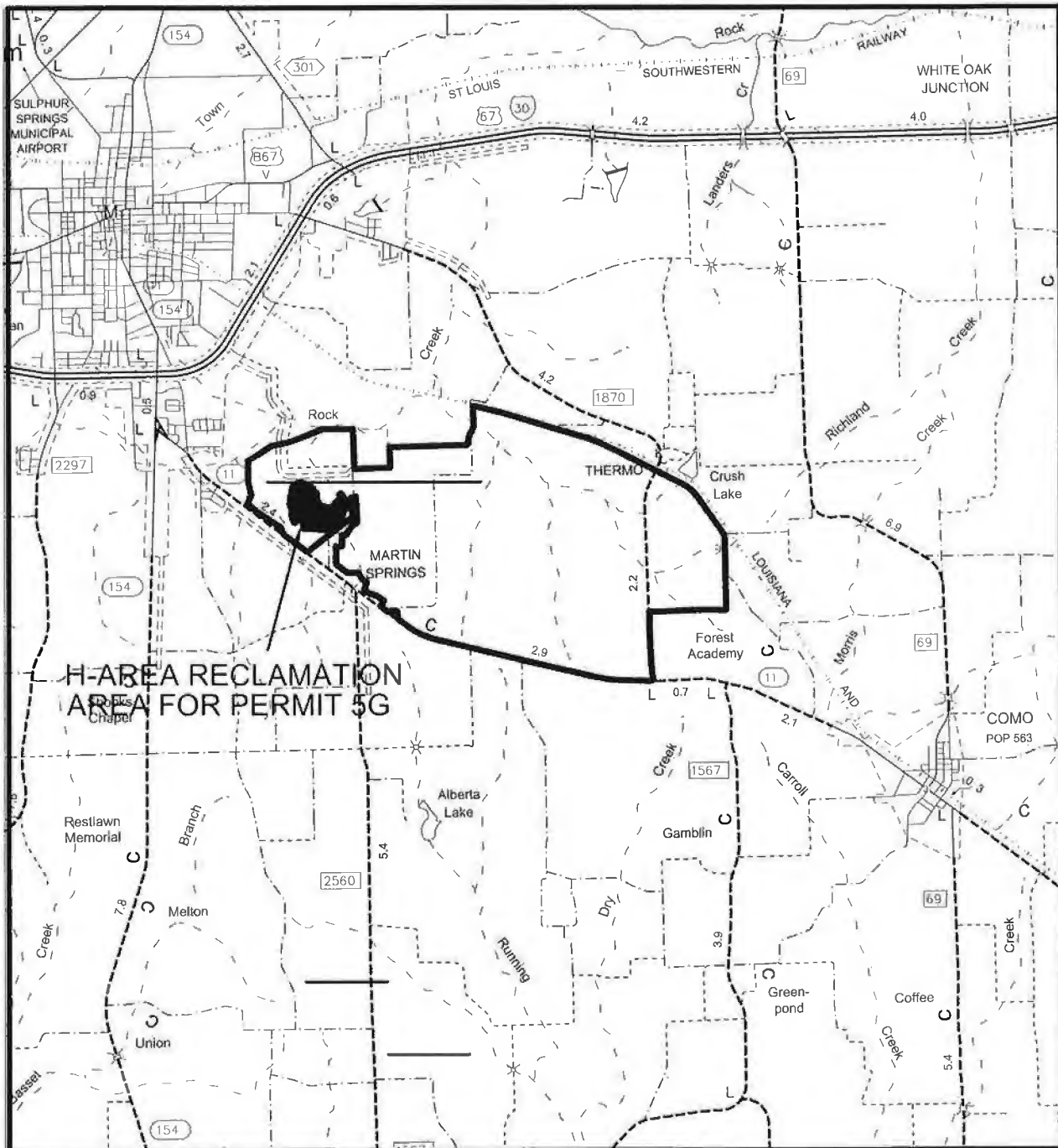
This permit application may be supplemented from time to time during the review process, with supplemental information placed in separate volumes and filed for public inspection. Interested persons should contact the Administrative Law Judge or continue to check the public copies of the application to determine the current status.

As depicted on the location map included with this public notice, Permit 5G lies approximately three miles southeast of the town of Sulphur Springs, Texas. The permit boundary follows State Highway No. 11 from the intersection of FM 1870 westward to the intersection of Hopkins County Road No. 2309 where it meanders westward along property tract boundaries to a point near the intersection of State Highway No. 11 and County Road No. 2307. The boundary then generally follows County Road No. 2307 northward for approximately 0.7 mile where it turns and runs southwestward until it intersects State Highway No. 11. The boundary then generally follows State Highway No. 11 northwestward approximately 0.7 mile where it turns north and then eastward before dropping southward to intersect CR 2307. The boundary then moves northeastward to again intersect CR 2309. It then follows CR 2309 northward to intersect the Louisiana-Arkansas Railroad where it follows the railroad's southern right-of-way eastward to a point approximately one mile past the intersection of FM 1870. The boundary then drops southward for approximately 0.7 miles and then moves westward to again intersect FM 1870 where it follows FM 1870 southward to State Highway No. 11. Permit 5G is contained within the "Sulphur Springs S.E." U.S. Geological Survey 7.5-minute Quadrangle map for Texas.

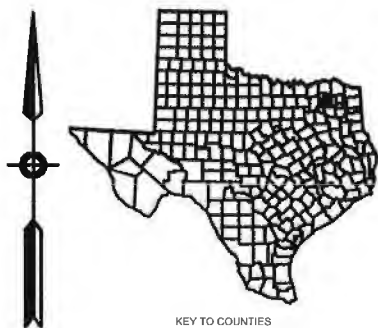
The Application is made pursuant to the Texas Surface Coal Mining and Reclamation Act, TEX. NAT. RES. CODE ANN. Chapter 134 (Vernon Supp. 2019) and the Coal Mining Regulations, Texas Railroad Commission, TEX. ADMIN. CODE, Title 16, Part 1, Chapter 12 (Thomson West 2019). Notice will be published once a week for four consecutive weeks. Requests for public hearing must be submitted within 45 days of the last date of publication of this notice. Interested persons are invited to submit written comments on the application within 30 days of the last date of publication of this notice. All written comments, objections or requests for public hearing or informal conference on the Application should be directed to:

Kyle L. Lebby, Administrative Law Judge
Hearings Division
C/o Docket Services, Docket No. C19-0020-SC-05-B
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967

Luminant proposes to conduct reclamation activities on property it owns, property owned by Luminant Generation Company LLC or property where a valid coal and lignite lease exists.



LUMINANT MINING CO.



PERMIT 5G BOUNDARY

PROJECT LOCATION MAP

SCALE: 1in = Approx. 1.5 mi.



Luminant

Sid Stroud
Manager, Mine Compliance
Environmental Services
sid.stroud@luminant.com

Luminant
6555 Sierra Drive
Irving, Texas 75039

T 214.875.9129
C 214.729.2171
F 214.875.8699

July 29, 2019

Hon. Kyle L. Lebby, Administrative Law Judge
Hearings Division
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967

**Railroad Commission
of Texas
RECEIVED**

JUL 30 2019

Surface Mining Division

Re: Luminant Mining Company LLC ("Luminant")
Monticello-Thermo Mine, Permit No. 5G
Application for Revision No. 34
Docket No. C19-0020-SC-05-B

Dear Judge Lebby:

Enclosed for your review and approval is a revised draft publication of notice for the above referenced application. This information is being provided in accordance with your letter dated July 24, 2019 and with minor edits proposed by Luminant and the City of Sulphur Springs.

The changes are shown with gray shading to assist in your review. Luminant intends to begin the publication of notice in the *Sulphur Springs News-Telegram* upon receipt of your approval to publish. Upon receipt of approval to publish, publication dates and mailing labels will be provided for your use and files.

Please contact Scott Mills at (214) 875-9090 if you have any questions.

Sincerely,

Sid Stroud

SS/SM/tg
Enclosure

Xc: Mr. Alexander C. Schoch – Interim Director of SMRD (w/3 enclosures)

JUL 30 2019

Surface Mining Division

PUBLIC NOTICE
NOTICE OF APPLICATION FOR
REVISION OF SURFACE MINING PERMIT No. 5G
Monticello-Thermo Mine, Revision Application No. 34
Luminant Mining Company LLC
Docket No. C19-0020-SC-05-B

Luminant Mining Company LLC ("Luminant"), 6555 Sierra Drive, Irving, Texas 75039 has submitted a permit revision application titled Monticello-Thermo Mine, Permit No. 5G, Revision Application No. 34 ("Application"), to the Railroad Commission of Texas Surface Mining and Reclamation Division ("Commission") for approval. Revision Application No. 34 proposes to revise the reclamation plan for an approximate 85-acre area of the H-Area within the Monticello-Thermo Mine by updating post mine slopes and post mine contours.

The proposed changes to the postmine slopes and postmine contours will involve reclaiming and recontouring an existing earthen stockpile that will be covered with a minimum four feet of the approved suitable soil material, thus leaving an elevated land feature approximately 110-feet in height consistent with the executed Development Agreement ("Agreement") with the City of Sulphur Springs ("City"). Approval of this application would facilitate the execution of a reclamation plan prepared collaboratively with the City in support of long-term plans memorialized in said Agreement, executed by the City and Luminant in a Special City Council Meeting on October 16, 2018.

The executed Agreement is included in Supplemental Document No. 1 to the application and is recorded in the Real Property Records of Hopkins County. It is intended that the City be the ultimate end user of the acreage that is subject of Revision No. 34 after the area has been reclaimed in accordance with all applicable regulations.

This application also shows the revised location of the H-03 Permanent Impoundment as a result of ceasing mining operations and provides general design plans for the H-01 Treatment Pond and H-01 Permanent Impoundment. Luminant proposes to revise the postmine land uses within the H-Area a part of Revision No. 35 that is being processed as a separate application.

A Form SMRD-1C is also included within Revision Application No. 34 to update Luminant's mailing address and the list on names of individuals who are authorized to act on behalf of the applicant. Permit 5G, issued on December 14, 2010, contains approximately 4,506 acres and is located in Hopkins County, Texas.

Copies of the Application are on file with and available for public inspection at the agencies and locations identified below. A copy of the complete application dated August 1, 2017 (1-volume) and Supplemental Document No. 1 dated May 6, 2019 (1-volume) may be inspected in the main office of the Railroad Commission of Texas at 1701 North Congress, William B. Travis Building, Austin, Texas, or at the office of the Hopkins County Clerk, Hopkins County Courthouse Annex, 128 Jefferson Street E., Sulphur Springs, Texas, 75482.

This permit application may be supplemented from time to time during the review process, with supplemental information placed in separate volumes and filed for public inspection. Interested persons should contact the Administrative Law Judge or continue to check the public copies of the application to determine the current status.

As depicted on the location map included with this public notice, Permit 5G lies approximately three miles southeast of the town of Sulphur Springs, Texas. The permit boundary follows State Highway No. 11 from the intersection of FM 1870 westward to the intersection of Hopkins County Road No. 2309 where it meanders westward along property tract boundaries to a point near the intersection of State Highway No. 11 and County Road No. 2307. The boundary then generally follows County Road No. 2307 northward for approximately 0.7 mile where it turns and runs southwestward until it intersects State Highway No. 11. The boundary then generally follows State Highway No. 11 northwestward approximately 0.7 mile where it turns north and then eastward before dropping southward to intersect CR 2307. The boundary then moves northeastward to again intersect CR 2309. It then follows CR 2309 northward to intersect the Louisiana-Arkansas Railroad where it follows the railroad's southern right-of-way eastward to a point approximately one mile past the intersection of FM 1870. The boundary then drops southward for approximately 0.7 miles and then moves westward to again intersect FM 1870 where it follows FM 1870 southward to State Highway No. 11. Permit 5G is contained within the "Sulphur Springs S.E." U.S. Geological Survey 7.5-minute Quadrangle map for Texas.

The Application is made pursuant to the Texas Surface Coal Mining and Reclamation Act, TEX. NAT. RES. CODE ANN. Chapter 134 (Vernon Supp. 2019) and the Coal Mining Regulations, Texas Railroad Commission, TEX. ADMIN. CODE, Title 16, Part 1, Chapter 12 (Thomson West 2019). Notice will be published once a week for four consecutive weeks. Requests for public hearing must be submitted within 45 days of the last date of publication of this notice. Interested persons are invited to submit written comments on the application within 30 days of the last date of publication of this notice. All written comments, objections or requests for public hearing or informal conference on the Application should be directed to:

Kyle L. Lebby, Administrative Law Judge
Hearings Division
C/o Docket Services, Docket No. C19-0020-SC-05-B
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967

Luminant proposes to conduct reclamation activities on property it owns, property owned by Luminant Generation Company LLC or property where a valid coal and lignite lease exists.

WAYNE CHRISTIAN, *CHAIRMAN*
CHRISTI CRADDICK, *COMMISSIONER*
RYAN SITTON, *COMMISSIONER*



DANA AVANT LEWIS, *DIRECTOR*

RAILROAD COMMISSION OF TEXAS

HEARINGS DIVISION

July 29, 2019

Railroad Commission
of Texas
RECEIVED

JUL 29 2019

Re: **Docket No. C19-0020-SC-05-B**
Luminant Mining Company, LLC (Luminant)
Application for Revision No. 34
Permit No. 5G, Monticello Thermo Mine, Hopkins County

Surface Mining Division

Dear Mr. Stroud:

By letter dated July 24, 2019, I issued correspondence in the above-referenced docket that included a review of the draft public notice based on a document that was transmitted with the application but was not contained in Supplement No. 1. Enclosed is the draft notice that the previous review was based on. I regret any inconvenience this may have caused.

It is suggested the enclosed draft that includes a map depicting the area be used in place of the draft provided in Supplement No. 1. If Luminant elects to use the enclosed draft, please make the changes recommended in my prior correspondence and include the information provided in the third to last paragraph of the draft submitted in Supplement No. 1 (i.e., the paragraph that follows the address block at the top of the second page in Section 123).

Alternatively, I will provide a comprehensive review of the draft in Supplement No. 1 at Luminant's request.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Lebby", written over a horizontal line.

Kyle L. Lebby, Administrative Law Judge
Hearings Division

Service List

Enclosure: Draft Public Notice reviewed by ALJ letter dated July 24, 2019

SERVICE LIST

SMRD DOCKET NO. C19-0020-SC-05-B: Luminant Mining Company LLC, Application for Revision No. 34, Permit No. 5G, Monticello Thermo Mine, Hopkins County, Texas

Via Email

Mr. Alexander C. Schoch, Interim Director
Surface Mining and Reclamation Division
Railroad Commission of Texas
P.O. Box 12967
Austin, TX 78711-2967
Alex.Schoch@rrc.texas.gov

Via Email

Mr. Sid Stroud, Manager
Mine Compliance
Luminant Environmental Services
6555 Sierra Drive
Irving, TX 75039

Via Email:

Mr. Martin Alvarez, SMRD
Mr. Dale Donahue, SMRD
Mr. Tim Walter, SMRD
Mr. Scott Mills, Luminant
Ms. Kimberly Mireles, Luminant

Via Intra-Agency Mail:

SMRD Records
Case File
Legal File



David Cornett, Legal Assistant
Hearings Division

Rule § 1.7 Ex Parte Communications

- (a) *Ex parte communications are prohibited in contested cases as provided in the APA and other applicable rules including the Texas Disciplinary Rules of Professional Conduct.*
- (b) *Each party shall provide all other parties with a copy of all documents submitted to an examiner.*
 - (1) *The attachment of a certificate of service stating that a document was served on a party creates a rebuttable presumption that the named party was provided a copy.*
 - (2) *Failure to provide a copy to all other parties may result in rejection and return of the document without consideration.*

PUBLIC NOTICE
NOTICE OF APPLICATION FOR
REVISION OF SURFACE MINING PERMIT No. 5G
Monticello-Thermo Mine, Revision Application No. 34
Luminant Mining Company LLC
Docket No. _____

Luminant Mining Company LLC ("Luminant"), 6555 Sierra Drive, Irving, Texas 75039 has submitted a permit revision application titled Monticello-Thermo Mine, Permit No. 5G, Revision Application No. 34 ("Application"), to the Railroad Commission of Texas Surface Mining and Reclamation Division ("Commission") for approval. Revision Application No. 34 proposes to revise the reclamation plan for an approximate 85-acre area of the H-Area within the Monticello-Thermo Mine by updating post mine slopes and post mine contours. This application also shows the revised location of the H-03 Permanent Impoundment as a result of ceasing mining operations. A Form SMRD-1C is also included within Revision Application No. 34 to update Luminant's mailing address and the list on names of individuals who are authorized to act on behalf of the applicant. Permit 5G, issued on December 14, 2010, contains approximately 4,506 acres and is located in Hopkins County, Texas.

Copies of the Application are on file with and available for public inspection at the agencies and locations identified below. A copy of the complete application dated August 1, 2017 (1 Volume) and Supplemental Document No. 1 dated May 6, 2019 (1-volume) may be inspected in the main office of the Railroad Commission of Texas at 1701 North Congress, William B. Travis Building, Austin, Texas, or at the office of the Hopkins County Clerk, Hopkins County Courthouse Annex, 128 Jefferson Street E., Sulphur Springs, Texas, 75482.

This permit application may be supplemented from time to time during the review process, with supplemental information placed in separate volumes and filed for public inspection. Interested persons should contact the Administrative Law Judge or continue to check the public copies of the application to determine the current status.

As depicted on the location map included with this public notice, Permit 5G lies approximately three miles southeast of the town of Sulphur Springs, Texas. The permit boundary follows State Highway No. 11 from the intersection of FM 1870 westward to the intersection of Hopkins County Road No. 2309 where it meanders westward along property tract boundaries to a point near the intersection of State Highway No. 11 and County Road No. 2307. The boundary then generally follows County Road No. 2307 northward for approximately 0.7 mile where it turns and runs southwestward until it intersects State Highway No. 11. The boundary then generally follows State Highway No. 11 northwestward approximately 0.7 mile where it turns north and then eastward before dropping southward to intersect CR 2307. The boundary then moves northeastward to again intersect CR 2309. It then follows CR 2309 northward to intersect the Louisiana-Arkansas Railroad where it follows the railroad's southern right-of-way eastward to a point approximately one mile past the intersection of FM 1870. The boundary then drops southward for approximately 0.7 miles and then moves westward to again intersect FM 1870 where it follows FM 1870 southward to State Highway No. 11. The permit renewal area is

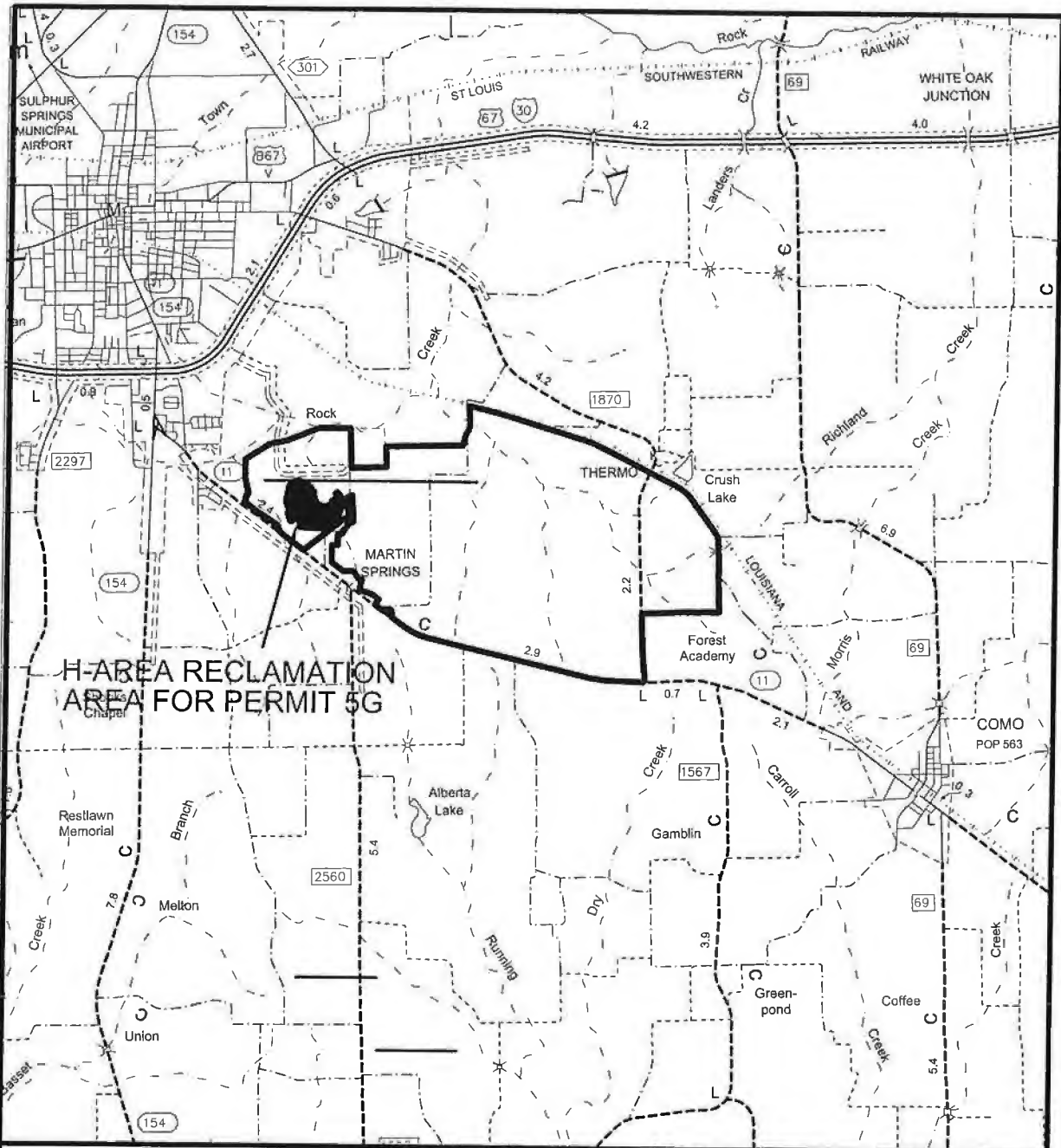
contained within the "Sulphur Springs S.E." U.S. Geological Survey 7.5 minute Quadrangle map for Texas.

The Application is made pursuant to the Texas Surface Coal Mining and Reclamation Act, TEX. NAT. RES. CODE ANN. Chapter 134 (Vernon Supp. 2018) and the Coal Mining Regulations, Texas Railroad Commission, TEX. ADMIN. CODE, Title 16, Part 1, Chapter 12 (Thomson West 2018). Notice will be published once a week for four consecutive weeks. Requests for public hearing must be submitted within 45 days of the last date of publication of this notice. Interested persons are invited to submit written comments on the application within 30 days of the last date of publication of this notice.

All written comments, objections or requests for public hearing or informal conference on the Application should be directed to:

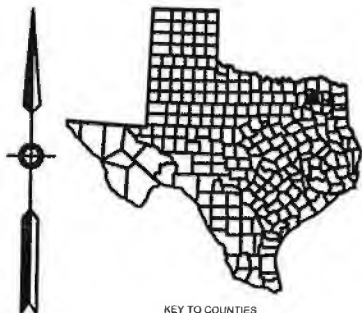
_____, Administrative Law Judge
Hearings Division
C/o Docket Services, Docket No. _____
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967

Luminant proposes to conduct reclamation activities on property it owns, property owned by Luminant Generation Company LLC or property where a valid coal and lignite lease exists.



H-Area Reclamation
Area for Permit 5G

LUMINANT MINING CO.



PERMIT 5G BOUNDARY

PROJECT LOCATION MAP

SCALE: 1in = Approx. 1.5 mi.



RAILROAD COMMISSION OF TEXAS

SURFACE MINING AND RECLAMATION DIVISION

July 26, 2019

DOCKET SERVICES

Mr. Kyle L. Lebby, Administrative Law Judge
Hearings Division
Railroad Commission of Texas
1701 N. Congress Avenue
P. O. Box 12967
Austin, Texas 78711-2967

RE: Luminant Mining Company, LLC (Luminant)
Docket No. C19-0020-SC-05-B
Permit No. 5G, Monticello Thermo Mine
Revision No. 34 (H-Area Reclamation Plan)
Requested Information

2019 JUL 26 PM 12:10
RAILROAD COMMISSION
OF TEXAS

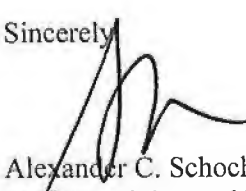
Dear Judge Lebby:

I am in receipt of your letter dated July 24, 2019, in which you requested Staff to provide the current status and briefly summarize the processing history of Revision No. 35. You also requested that Staff file a copy of the letters referenced in my July 10, 2019, letter transmitting the Revision No. 34 application to the Hearing Division. Pursuant to instructions in your letter, please note that:

- 1) The processing history of Revision No. 35 is as follows:
 - a) Revision No. 35 was submitted by letter dated March 14, 2018;
 - b) Staff provided comments and terminated Revision No. 35 by letter dated April 6, 2018;
 - c) Luminant requested our reconsideration of the termination of Revision No. 35 by letter dated April 30, 2018; and
 - d) After a May 15, 2018, meeting with Luminant, SMRD rescinded the termination of Revision No. 35, by letter dated May 15, 2018.
- 2) The requested letters regarding Revision No. 34 are attached (Staff's letter dated December 5, 2017, Luminant's letter dated February 15, 2018, Staff's letter dated September 21, 2018, and Luminant's letter dated June 26, 2019).

Copies of this letter and attachments have been transmitted in accordance with the attached Certificate of Service.

Sincerely,

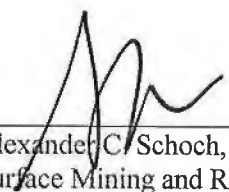

Alexander C. Schoch, Interim Director
Surface Mining and Reclamation Division

ACS/MA/rh
Attachments
File Reference No. 1721314

CERTIFICATE OF SERVICE
DOCKET NO. C19-0020-SC-05-B

I, Alexander C. Schoch, certify that on this date, July 26, 2019, true and correct copies of the enclosed letter was sent via e-mail to the individual listed below:

Mr. Sid Stroud
Manager, Mine Compliance
Luminant
Environmental Services
6555 Sierra Drive
Irving, Texas 75039
sid.stroud@luminant.com



Alexander C. Schoch, Interim Director
Surface Mining and Reclamation Division
Railroad Commission of Texas
1701 North Congress Avenue
Austin, Texas 78701



Sid Stroud
Manager, Mine Compliance
Environmental Services
sid.stroud@luminant.com

Luminant
6555 Sierra Drive
Irving, Texas 75039

T 214.875.9129
C 214.729.2171
F 214.875.8699

Railroad Commission
of Texas
RECEIVED

JUL 31 2019

Surface Mining Division

July 25, 2019

Hon. Kyle L. Lebbey, Administrative Law Judge
Hearings Division
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967

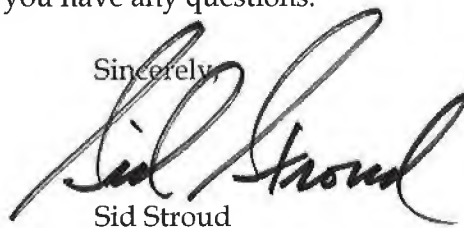
RE: Luminant Mining Company LLC ("Luminant")
Monticello-Thermo Mine, Permit No. 5G
Revision Application No. 34
H-Area Reclamation Plan
Docket No. C19-0020-SC-05-B

Dear Judge Lebbey:

Luminant has received your letter dated July 24, 2019 requesting consideration for consent to electronic service in the above referenced docket. In accordance with your letter, attached is the completed form signed on behalf of Luminant Mining Company LLC pursuant to §1.27 and §1.32. I certify that a copy of this letter and the Consent to Electronic Service and Notification have been transmitted to the Surface Mining and Reclamation Division.

Please contact Scott Mills at (214) 875-9090 if you have any questions.

Sincerely,



Sid Stroud

SS/SM/tg
Enclosure

Xc: Mr. Alexander C. Schoch, Interim Director - SMRD (w/3 copies)



RAILROAD COMMISSION OF TEXAS

HEARINGS DIVISION

CONSENT TO ELECTRONIC SERVICE AND NOTIFICATION OF DOCUMENTS, RULINGS, DECISIONS, AND ORDERS

Effective September 1, 2015, Section 2001.142 (Notification of Decisions and Orders) of the Texas Government Code was amended to allow a state agency to notify each party to a contested case of any decision or order of the agency, if agreed to by the party to be notified, by electronic means sent to the current e-mail address of the party's attorney of record or of the party if the party is not represented by counsel. Tex. Gov't Code § 2001.142(a)(2).

Current rules of the Railroad Commission of Texas ("Commission") require the Commission to serve "a pleading or document" by "hand-delivering a copy to the person to be served, or by first class, certified, or registered mail, commercial delivery service, fax, email, or by such other manner as the Commission may require." Commission Practice and Procedure rules, §1.45(e)(2) and §1.45(b). According to §1.45(b)(1)(D), "Service by email may be used if the person to be served consents to be served by email pursuant to §1.27 or §1.32 of this title (relating to Parties and Authorized representatives, and Form and Content of Pleadings, respectively). If the person consents to be served by email, the person affirmatively consents to the release and disclosure of the email address. Email service is complete on the date of the email transmission. An email received after 5 p.m. local time of the recipient shall be deemed served on the following business day."

Completion of this form is optional

In lieu of service and notification by mail, Sid Stroud (party name or attorney)
on behalf of Luminant Mining Company LLC hereby agrees and
consents to electronic service and notification of all documents, rulings, decisions, and orders from the Railroad
Commission of Texas in Docket No. C19-0020-SC-05-B by the following electronic means:

[☒] E-mail at: sid.stroud@luminant.com

Authorized by: Sid Stroud (signature)

Sid Stroud (print name)

Luminant (firm)

By requesting electronic service, all orders, proposals for decision, and other documents and communications to me in this docket will be provided to me by e-mail at the address set forth above. I will no longer receive paper copies of any documents in this docket. I also understand and agree that it is my responsibility to inform Docket Services and other parties of any changes to my e-mail address. By accepting the terms of this service my e-mail address will be shown on the service list of this docket and available to the Commission, other parties and will become part of this public record; See Tex Gov't Code §552.137. I am responsible for ensuring that my e-mail filters and settings allow the delivery of e-mails from the RRC and all other parties to this case. **If the pleading contains 10 or fewer pages including exhibits, it may be filed by fax, email, or other approved electronic transmission with the Docket Services Section.** If a party or authorized representative elects to file a pleading by email, the party or authorized representative agrees to be served by email and affirmatively consents to the release and disclosure of the email address.



RAILROAD COMMISSION OF TEXAS

SURFACE MINING AND RECLAMATION DIVISION

July 24, 2019

DOCKET SERVICES

Mr. Kyle L. Lebby, Administrative Law Judge
Hearings Division
Railroad Commission of Texas
1701 N. Congress Avenue
P. O. Box 12967
Austin, Texas 78711-2967

RE: Luminant Mining Company, LLC (Luminant)
Docket No. C19-0020-SC-05-B
Permit No. 5G, Monticello Thermo Mine
Revision No. 34 (H-Area Reclamation Plan)
Consent to Electronic Service and Notification in the Docket

Dear Judge Lebby:

I am in receipt of your letter dated July 24, 2019, in which you requested Staff to consider consenting to electronic service in the docket. Pursuant to instructions in your letter, attached please find the completed form signed on behalf of the Surface Mining and Reclamation Division, Railroad Commission of Texas, in accordance with 16 TEXAS ADMIN. CODE §1.27 and §1.32.

A copy of this letter and the Consent to Electronic Service and Notification, have been transmitted in accordance with the attached Certificate of Service.

Sincerely,

A handwritten signature in black ink, appearing to be "A. Schoch", written over a horizontal line.

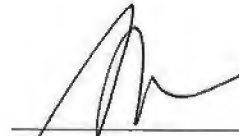
Alexander C. Schoch, Interim Director
Surface Mining and Reclamation Division

ACS/MA/rh
Attachments
File Reference No. 1721314

**CERTIFICATE OF SERVICE
DOCKET NO. C19-0020-SC-05-B**

I, Alexander C. Schoch, certify that on this date, July 24, 2019, true and correct copies of the enclosed letter was sent via e-mail to the individual listed below:

Mr. Sid Stroud
Manager, Mine Compliance
Luminant
Environmental Services
6555 Sierra Drive
Irving, Texas 75039
sid.stroud@luminant.com



Alexander C. Schoch, Interim Director
Surface Mining and Reclamation Division
Railroad Commission of Texas
1701 North Congress Avenue
Austin, Texas 78701



RAILROAD COMMISSION OF TEXAS

HEARINGS DIVISION

CONSENT TO ELECTRONIC SERVICE AND NOTIFICATION OF DOCUMENTS, RULINGS, DECISIONS, AND ORDERS

Effective September 1, 2015, Section 2001.142 (Notification of Decisions and Orders) of the Texas Government Code was amended to allow a state agency to notify each party to a contested case of any decision or order of the agency, if agreed to by the party to be notified, by electronic means sent to the current e-mail address of the party's attorney of record or of the party if the party is not represented by counsel. Tex. Gov't Code § 2001.142(a)(2).

Current rules of the Railroad Commission of Texas ("Commission") require the Commission to serve "a pleading or document" by "hand-delivering a copy to the person to be served, or by first class, certified, or registered mail, commercial delivery service, fax, email, or by such other manner as the Commission may require." Commission Practice and Procedure rules, §1.45(e)(2) and §1.45(b). According to §1.45(b)(1)(D), "Service by email may be used if the person to be served consents to be served by email pursuant to §1.27 or §1.32 of this title (relating to Parties and Authorized representatives, and Form and Content of Pleadings, respectively). If the person consents to be served by email, the person affirmatively consents to the release and disclosure of the email address. Email service is complete on the date of the email transmission. An email received after 5 p.m. local time of the recipient shall be deemed served on the following business day."

Completion of this form is optional

In lieu of service and notification by mail, Alexander C. Schoch (party name or attorney)
on behalf of Surface Mining and Reclamation Division hereby agrees and consents to electronic
service and notification of all documents, rulings, decisions, and orders from the Railroad Commission of Texas
in Docket No. C19-0020-SC-05-B by the following electronic means:

[X] E-mail at: alex.schoch@rrc.texas.gov

Authorized by: _____ (signature)

Alexander C. Schoch (print name)

Surface Mining and Reclamation Division (firm)

By requesting electronic service, all orders, proposals for decision, and other documents and communications to me in this docket will be provided to me by e-mail at the address set forth above. I will no longer receive paper copies of any documents in this docket. I also understand and agree that it is my responsibility to inform Docket Services and other parties of any changes to my e-mail address. By accepting the terms of this service my e-mail address will be shown on the service list of this docket and available to the Commission, other parties and will become part of this public record; See Tex. Gov't Code §552.137. I am responsible for ensuring that my e-mail filters and settings allow the delivery of e-mails from the RRC and all other parties to this case. **If the pleading contains 10 or fewer pages including exhibits, it may be filed by fax, email, or other approved electronic transmission with the Docket Services Section.** If a party or authorized representative elects to file a pleading by email, the party or authorized representative agrees to be served by email and affirmatively consents to the release and disclosure of the email address.

WAYNE CHRISTIAN, *CHAIRMAN*
CHRISTI CRADDICK, *COMMISSIONER*
RYAN SITTON, *COMMISSIONER*



DANA AVANT LEWIS, *DIRECTOR*

RAILROAD COMMISSION OF TEXAS

HEARINGS DIVISION

Railroad Commission
of Texas
RECEIVED

July 24, 2019

JUL 24 2019

Re: **Docket No. C19-0020-SC-05-B**
Luminant Mining Company, LLC (Luminant)
Application for Revision No. 34
Permit No. 5G, Monticello Thermo Mine, Hopkins County

Surface Mining Division

Dear Mr. Stroud and Interim Director Schoch:

On July 10, 2019, I received the above-referenced application, including Supplement No. 1, submitted by Luminant. The above-referenced docket number has been assigned to the application for Revision No. 34 and should be used in all correspondence in this matter. I will serve as administrative law judge for this proceeding and have reviewed the draft notice included in Section 123 of Supplement No. 1. The following are comments regarding the draft notice:

1. The assigned docket number, C19-0020-SC-05-B, should be added to the title of the draft notice and to the address block on the second page of the draft notice. Please add my name as administrative law judge on the second page.
2. Following the second sentence of the draft notice, state that the proposed changes to the postmine slopes and postmine contours would allow for an approximately 110-foot high stockpile of unsuitable material that is currently on the acreage to remain in place and that Luminant proposes to cover the stockpile with at least four feet of suitable material.
3. In the third sentence of the first paragraph, as reflected in Supplement No. 1, state that general design plans for the H-01 Treatment Pond and H-01 Permanent Impoundment are included in the Application.
4. As reflected in the Introduction and Errata Sections of Supplement No. 1, include information that approval of the revision Application would facilitate the execution of a reclamation plan prepared collaboratively with the City of Sulphur Springs, Texas ("City") in support of long-term plans memorialized in a Development Agreement ("Agreement") executed by the City and Luminant in a Special City Council Meeting on October 16, 2018. Also, state that an executed copy of the Agreement is included in Supplement No. 1 to the Application and is recorded in the Real Property Records of Hopkins County. Further, include a statement that it is intended that the City be the ultimate end user of the acres that are the subject of Revision No. 34 after the area has been reclaimed in accordance with all applicable regulations.
5. Include a statement that Luminant proposes to revise the postmine land uses within the H-Area as part of Revision No. 35 that is being processed as a separate application. [*Note: Staff is requested to provide the current status and briefly summarize the processing history of Revision No. 35. If this application has been approved, please file a copy of Staff's approval letter and review memorandum in the docket.*]

6. In the last sentence of the fourth paragraph, cut “renewal” after “permit” and prior to “area” given the application does not request renewal of Permit No. 5G.
7. In the second to last paragraph, please update the citation to the Act and Regulations from “(Vernon Supp. 2018)” and “(Thomson West 2018)” to “(Vernon Supp. 2019)” and “(Thomson West 2019)”, respectively.

A revised notice should be submitted for approval prior to publication. Pursuant to past Commission practice, once the notice is approved, Luminant may decide when notice of application is published in accordance with §12.207(a) of the Regulations. In the Errata Section of Supplement No. 1 dated May 6, 2019, Luminant provides responses to Staff’s concerns related to the completeness of the application (A-1 through A-5) but challenges Staff’s position on several components and does not provide information addressing various sections and/or subsections of the permit [e.g., Sections 119, 125, 144, 150, 154 and Table 125(a)-1]. Though the SMRD-Director has declared the application administratively complete, Luminant is advised that an amended public notice may be required should substantive changes to the subject application occur after notice is published.

The Commission provides notification of applications for a significant revision to a permit by mail to state and federal agencies under §12.207(b)-(c) of the Regulations, and to landowners within and adjacent to the permit boundary by Commission policy. To facilitate notification performed by the Commission, please provide a current list of landowners, within and adjoining the permit boundary, that includes owners of easements, oil and gas operators and mineral interest owners, and any other real estate interests. Please send the requested landowner list as a MS Word document to Mr. David Cornett at David.Cornett@rc.texas.gov. A mailing address should be provided for each person or entity to be notified. Please compile the list in single column form and include a single space following the address for each individual recipient. Also, please provide a current ownership map of the permit area and adjacent tracts and any additional maps, as necessary, to depict any occupied dwellings or other structures, if any, located within 300 feet of any proposed or approved operations.

As stated above, submittal of a revised draft public notice is required prior to approval for publication. Once approved, the applicant may determine the date of publication of the notice; however, I would request you notify me as soon as a date of publication is decided upon in order to coordinate notifications performed by the Commission.

Additionally, Staff’s July 10, 2019 letter transmitting the subject application to the Hearings Division references its review letters dated December 5, 2017 and September 21, 2018. Further, Luminant’s letter dated February 15, 2018, providing additional information, and letter dated June 26, 2019, requesting Revision No. 34 be processed as a significant revision, are referenced in Staff’s transmittal letter. Staff is requested to file a copy of these letters in the docket at its earliest convenience. Additionally, as stated in Item 5 above, please file information regarding Revision No. 35.

I have enclosed a form, CONSENT TO ELECTRONIC SERVICE AND NOTIFICATION OF DOCUMENTS, RULINGS, DECISIONS, AND ORDERS. The parties are requested to consider consenting to electronic service in the docket. If a party elects to consent to electronic service, please file the completed form at your earliest convenience. The form may be provided via email addressed to Mr. Cornett with all other parties copied.

Please let me know if you have any questions.

Sincerely,



Kyle L. Lebby, Administrative Law Judge
Hearings Division

Service List

Enclosure: Consent to Electronic Service (blank form)

SERVICE LIST

SMRD DOCKET NO. C19-0020-SC-05-B: Luminant Mining Company LLC, Application for Revision No. 34, Permit No. 5G, Monticello Thermo Mine, Hopkins County, Texas

Via Intra-Agency Mail and Email

Mr. Alexander C. Schoch, Interim Director
Surface Mining and Reclamation Division
Railroad Commission of Texas
P.O. Box 12967
Austin, TX 78711-2967
Alex.Schoch@rrc.texas.gov

Via First-Class Mail and Email

Mr. Sid Stroud, Manager
Mine Compliance
Luminant Environmental Services
6555 Sierra Drive
Irving, TX 75039

Via Email:

Mr. Martin Alvarez, SMRD
Mr. Dale Donahue, SMRD
Mr. Tim Walter, SMRD
Mr. Scott Mills, Luminant
Ms. Kimberly Mireles, Luminant

Via Intra-Agency Mail:

SMRD Records
Case File
Legal File



David Cornett, Legal Assistant
Hearings Division

Rule § 1.7 Ex Parte Communications

- (a) *Ex parte communications are prohibited in contested cases as provided in the APA and other applicable rules including the Texas Disciplinary Rules of Professional Conduct.*
- (b) *Each party shall provide all other parties with a copy of all documents submitted to an examiner.*
 - (1) *The attachment of a certificate of service stating that a document was served on a party creates a rebuttable presumption that the named party was provided a copy.*
 - (2) *Failure to provide a copy to all other parties may result in rejection and return of the document without consideration.*

**CONSENT TO ELECTRONIC SERVICE AND NOTIFICATION
OF DOCUMENTS, RULINGS, DECISIONS, AND ORDERS**

Current rules of the Railroad Commission of Texas (“Commission”) require the Commission to serve “a pleading or document” by “hand-delivering a copy to the person to be served, or by first class, certified, or registered mail, commercial delivery service, fax, email, or by such other manner as the Commission may require.” Commission Practice and Procedure rules, § 1.45(e)(2) and § 1.45(b). According to § 1.45(b)(1)(D), “Service by email may be used if the person to be served consents to be served by email pursuant to § 1.27 or § 1.32 of this title (relating to Parties and Authorized representatives, and Form and Content of Pleadings, respectively). If the person consents to be served by email, the person affirmatively consents to the release and disclosure of the email address. Email service is complete on the date of the email transmission. An email received after 5 p.m. local time of the recipient shall be deemed served on the following business day.”

In lieu of service and notification by mail, _____ (party name or attorney)
on behalf of _____ hereby agrees and
consents to electronic service and notification of all documents, rulings, decisions, and orders from the Railroad
Commission of Texas in Docket No. _____ by the following electronic means:

Authorized by: _____ (signature)
 _____ (print name)
 _____ (firm)

1701 NORTH CONGRESS AVENUE ★ POST OFFICE BOX 12967 ★ AUSTIN, TEXAS 78711-2967 ★ PHONE: 512/463-6924 ★ FAX: 512/463-6989
TDD 800/735-2989 OR TDY 512/463-7284 ★ AN EQUAL OPPORTUNITY EMPLOYER ★ [HTTP://WWW.RRC.TEXAS.GOV](http://www.rrc.texas.gov)



RAILROAD COMMISSION OF TEXAS

SURFACE MINING AND RECLAMATION DIVISION

MEMORANDUM

TO: General Counsel
Office of General Counsel

FROM: Interim Director
Surface Mining and Reclamation Division

RE: Luminant Mining Company, LLC (Luminant)
Monticello Thermo Mine, Permit No. 5G
Revision No. 34
H-Area Reclamation Plan
Request for Staff Attorney

DATE: July 24, 2019

2019 JUL 24 PM 2:50
RAILROAD COMMISSION
OF TEXAS

By letter dated July 31, 2017, Luminant submitted the subject application to revise the postmine topography of portions of H Area and to request approval of a proposed H-Area reclamation plan, which includes general design plans for H-03 Permanent Impoundment and a Form SMRD-1C updating the mailing addresses and listing of individuals who are authorized to act on behalf of Luminant.

In response to Staff's letter dated December 5, 2017, in which Luminant was notified of SMRD's determination that the application was a significant revision to the approved permit under 16 TEXAS ADMIN. CODE §12.226(a), Luminant provided additional information by letter dated February 15, 2018. In response to SMRD's subsequent review letter dated September 21, 2018, notifying Luminant that the earlier determination still stood, Luminant provided letter dated May 6, 2019. In this May 6, 2019, letter, Luminant again requested that the decision regarding significant processing be rescinded.

Upon further review of the file for this application and Luminant's May 6, 2019, letter, I continued to find that Luminant proposes changes to the reclamation plan in the application that are likely to significantly change the effect the mining operation would have on either those persons impacted by the permitted operation or on the environment [16 TEXAS ADMIN. CODE §12.226(a)(1)]. By letter dated June 26, 2019, Luminant formally requested that Revision No. 34 be processed as a significant revision to the Monticello Thermo Mine Permit No. 5G.

By letter dated July 10, 2019, SMRD determined that the application was administratively complete and transferred it to the Commission's Hearings Division for docketing in accordance with 16 TEXAS ADMIN. CODE §1.24 and §1.41 (*General Rules of Practice and Procedure*). Staff expects to file a TA on or before completion of the 120-day statutory review period. Therefore, I request that legal counsel be assigned to represent Staff on all matters relating to this Monticello Thermo Mine, Permit No. 5G, Revision No. 34 (H-Area Reclamation Plan).

A copy of the application is attached. Please contact Martin Alvarez, Permit Coordinator for the technical review of this application, at 512-463-2499, to discuss the application and associated correspondence.

ACS/MA/
File Reference No. 1721314

PUBLIC NOTICE
NOTICE OF APPLICATION FOR
REVISION OF SURFACE MINING PERMIT No. 5G
Monticello-Thermo Mine, Revision Application No. 34
Luminant Mining Company LLC
Docket No. _____

2019 JUL 24 PM 3:01
RAILROAD COMMISSION
OF TEXAS

Luminant Mining Company LLC ("Luminant"), 6555 Sierra Drive, Irving, Texas 75039 has submitted a permit revision application titled Monticello-Thermo Mine, Permit No. 5G, Revision Application No. 34 ("Application"), to the Railroad Commission of Texas Surface Mining and Reclamation Division ("Commission") for approval. Revision Application No. 34 proposes to revise the reclamation plan for an approximate 85-acre area of the H-Area within the Monticello-Thermo Mine by updating post mine slopes and post mine contours. This application also shows the revised location of the H-03 Permanent Impoundment as a result of ceasing mining operations. A Form SMRD-1C is also included within Revision Application No. 34 to update Luminant's mailing address and the list on names of individuals who are authorized to act on behalf of the applicant. Permit 5G, issued on December 14, 2010, contains approximately 4,506 acres and is located in Hopkins County, Texas.

Copies of the Application are on file with and available for public inspection at the agencies and locations identified below. A copy of the complete application dated August 1, 2017 (1 Volume) and Supplemental Document No. 1 dated May 6, 2019 (1-volume) may be inspected in the main office of the Railroad Commission of Texas at 1701 North Congress, William B. Travis Building, Austin, Texas, or at the office of the Hopkins County Clerk, Hopkins County Courthouse Annex, 128 Jefferson Street E., Sulphur Springs, Texas, 75482.

This permit application may be supplemented from time to time during the review process, with supplemental information placed in separate volumes and filed for public inspection. Interested persons should contact the Administrative Law Judge or continue to check the public copies of the application to determine the current status.

As depicted on the location map included with this public notice, Permit 5G lies approximately three miles southeast of the town of Sulphur Springs, Texas. The permit boundary follows State Highway No. 11 from the intersection of FM 1870 westward to the intersection of Hopkins County Road No. 2309 where it meanders westward along property tract boundaries to a point near the intersection of State Highway No. 11 and County Road No. 2307. The boundary then generally follows County Road No. 2307 northward for approximately 0.7 mile where it turns and runs southwestward until it intersects State Highway No. 11. The boundary then generally follows State Highway No. 11 northwestward approximately 0.7 mile where it turns north and then eastward before dropping southward to intersect CR 2307. The boundary then moves northeastward to again intersect CR 2309. It then follows CR 2309 northward to intersect the Louisiana-Arkansas Railroad where it follows the railroad's southern right-of-way eastward to a point approximately one mile past the intersection of FM 1870. The boundary then drops southward for approximately 0.7 miles and then moves westward to again intersect FM 1870 where it follows FM 1870 southward to State Highway No. 11. The permit renewal area is

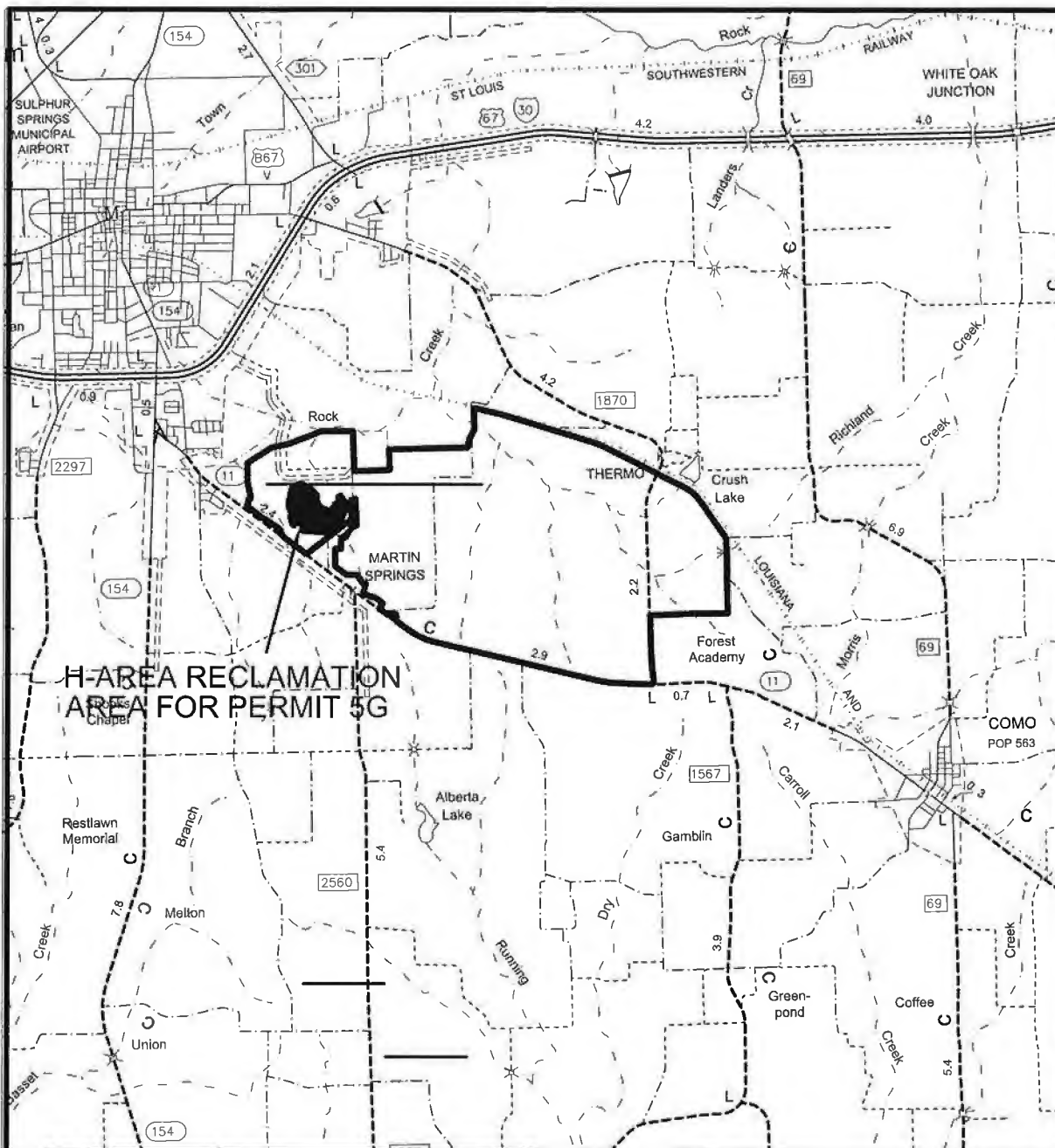
contained within the "Sulphur Springs S.E." U.S. Geological Survey 7.5 minute Quadrangle map for Texas.

The Application is made pursuant to the Texas Surface Coal Mining and Reclamation Act, TEX. NAT. RES. CODE ANN. Chapter 134 (Vernon Supp. 2018) and the Coal Mining Regulations, Texas Railroad Commission, TEX. ADMIN. CODE, Title 16, Part 1, Chapter 12 (Thomson West 2018). Notice will be published once a week for four consecutive weeks. Requests for public hearing must be submitted within 45 days of the last date of publication of this notice. Interested persons are invited to submit written comments on the application within 30 days of the last date of publication of this notice.

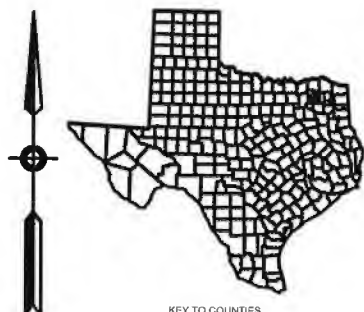
All written comments, objections or requests for public hearing or informal conference on the Application should be directed to:

_____, Administrative Law Judge
Hearings Division
C/o Docket Services, Docket No. _____
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967

Luminant proposes to conduct reclamation activities on property it owns, property owned by Luminant Generation Company LLC or property where a valid coal and lignite lease exists.



LUMINANT MINING CO.



KEY TO COUNTIES



PERMIT 5G BOUNDARY

PROJECT LOCATION MAP

SCALE: 1in = Approx. 1.5 mi.



RAILROAD COMMISSION OF TEXAS

SURFACE MINING AND RECLAMATION DIVISION

July 10, 2019

DOCKET SERVICES

Ms. Dana Avant Lewis, Director
Hearings Division
Railroad Commission of Texas
1701 N. Congress Avenue
P. O. Box 12967
Austin, Texas 78711-2967

RE: Luminant Mining Company LLC (Luminant)
Monticello Thermo Mine, Permit No. 5G
Revision No. 34
H-Area Reclamation Plan
Determination of Administrative Completeness

FILED
2019 JUL 10 PM 1:03
DOCKET SERVICES
RAILROAD COMMISSION
OF TEXAS

Dear Ms. Lewis:

Enclosed is a 1-volume application from Luminant received on July 31, 2017, and 1-volume Supplemental Document No. 1 (SD1) for the subject application to revise the postmine topography of portions of the H Area and to request approval of a proposed H-Area reclamation plan, which includes general design plans for H-03 Permanent Impoundment and a Form SMRD-1C updating the mailing addresses and listing of individuals who are authorized to act on behalf of Luminant.

In response to Staff's letter dated December 5, 2017, in which Luminant was notified of SMRD's determination that the application was a significant revision to the approved permit under 16 TEXAS ADMIN. CODE §12.226(a), Luminant provided additional information by letter dated February 15, 2018. In response to SMRD's subsequent review letter dated September 21, 2018, notifying Luminant that the earlier determination still stood, Luminant provided letter dated May 6, 2019. In this May 6, 2019, letter, Luminant again requested that the decision regarding significant processing be rescinded.

Upon further review of the file for this application and Luminant's May 6, 2019, letter, I continue to find that Luminant proposes changes to the reclamation plan in the application that are likely to significantly change the effect the mining operation would have on either those persons impacted by the permitted operation or on the environment [16 TEXAS ADMIN. CODE §12.226(a)(1)]. By letter dated June 26, 2019, Luminant formally requested that Revision No. 34 be processed as a significant revision to the Monticello Thermo Mine Permit No. 5G.

I have determined that the application is administratively complete and am transferring it to the Hearings Division for processing in accordance with 16 TEXAS ADMIN. CODE (TAC) §1.24 and §1.41 of the Commission's *General Rules of Practice and Procedure*. Please assign an Administrative Law Judge to review the draft public notice and provide any comments to Luminant within 10 days. The name and address of the applicant's representative is:

Mr. Sid Stroud
July 10, 2019
Page 2

Mr. Sid Stroud
Manager, Mine Compliance
Luminant
Environmental Services
6555 Sierra Drive
Irving, Texas 75039

By this letter of transmittal, I certify that the application, original Form SMRD-1C and documentation of payment of a \$500 filing fee are maintained in the Division's records. Staff will evaluate the application and provide to the assigned judge its technical analysis on or before completion of the 120-day statutory review period. I will also provide to the assigned judge and Luminant up to two comment letters if technical deficiencies are identified during our review. If you have any questions, please contact Martin Alvarez, Staff's Permit Coordinator for the technical review of this application.

Sincerely,



Alexander C. Schoch, Interim Director
Surface Mining and Reclamation Division

ACS/MA/rv
Enclosure
File Reference No. 1721314



RAILROAD COMMISSION OF TEXAS

SURFACE MINING AND RECLAMATION DIVISION

July 10, 2019

Sent by Email

Mr. Sid Stroud
Manager, Mine Compliance
Luminant
Environmental Services
6555 Sierra Drive
Irving, Texas 75039

RE: Luminant Mining Company LLC (Luminant)
Monticello Thermo Mine, Permit No. 5G
Revision No. 34
H-Area Reclamation Plan
Determination of Administrative Completeness

Dear Mr. Stroud:

By letter dated July 31, 2017, Luminant submitted the subject application to revise the postmine topography of portions of the H Area and to request approval of a proposed H-Area reclamation plan, which includes general design plans for H-03 Permanent Impoundment and a Form SMRD-1C updating the mailing addresses and listing of individuals who are authorized to act on behalf of Luminant.

In response to Staff's letter dated December 5, 2017, in which you were notified of SMRD's determination that the application was a significant revision to the approved permit under 16 TEXAS ADMIN. CODE §12.226(a), you provided additional information by letter dated February 15, 2018. In response to SMRD's subsequent review letter dated September 21, 2018, notifying you that the earlier determination still stood, you provided letter dated May 6, 2019. In this May 6, 2019, letter, you again requested that the decision regarding significant processing be rescinded.

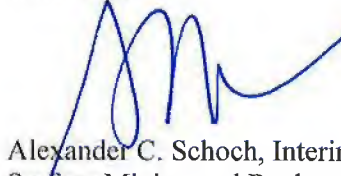
Upon further review of the file for this application and your May 6, 2019, letter, I continue to find that Luminant proposes changes to the reclamation plan in the application that are likely to significantly change the effect the mining operation would have on either those persons impacted by the permitted operation or on the environment [16 TEXAS ADMIN. CODE §12.226(a)(1)]. By letter dated June 26, 2019, you formally requested that Revision No. 34 be processed as a significant revision to the Monticello Thermo Mine Permit No. 5G.

I have determined that the application is administratively complete and am transferring it to the Commission's Hearings Division for docketing in accordance with 16 TEXAS ADMIN. CODE §1.24 and §1.41 (*General Rules of Practice and Procedure*). Staff will evaluate the application and provide to you our review on or before completion of the 120-day statutory review period. I will also provide to you and the assigned Administrative Law Judge up to two comment letters if technical deficiencies are identified during our review.

Mr. Sid Stroud
July 10, 2019
Page 2

Any further inquiries regarding public notice and permit-application processing should be directed to the assigned Administrative Law Judge. If you have any questions, please contact Martin Alvarez, Staff's Permit Coordinator for the technical review of this application, at 512-463-2499.

Sincerely,

A handwritten signature in blue ink, appearing to be 'AS', written over the typed name.

Alexander C. Schoch, Interim Director
Surface Mining and Reclamation Division

ACS/MA/rv
File Reference No. 1721314

xc: Dana Avant Lewis, Director
Hearings Division



Sid Stroud
Manager, Mine Compliance
Environmental Services
sid.stroud@luminant.com

Luminant
6555 Sierra Drive
Irving, Texas 75039

T 214.875.9129
C 214.729.2171
F 214.875.8699

July 2, 2019

Mr. Alexander C. Schoch, Interim Director
Surface Mining and Reclamation Division
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967

Railroad Commission
of Texas
RECEIVED

JUL 03 2019

Surface Mining Division

RE: Luminant Mining Company LLC ("Luminant")
Monticello-Thermo Mine, Permit No. 5G
Revision Application No. 34
H-Area Reclamation Plan - Additional Copies

Dear Mr. Schoch:

By letter dated June 26, 2019, Luminant formally requested that the Commission process Revision Application No. 34 (originally submitted July 31, 2017) as a significant revision to Thermo Mine Permit No. 5G. Luminant also enclosed draft public notice information which was revised from that provided the Commission on January 11, 2018. In response to a request by Mr. Tim Walter of your staff via email on June 28, 2019, Luminant is hereby providing five (5) additional copies of the original July 31, 2017 application and the May 6, 2019 Supplemental Document No. 1, along with five (5) copies of the draft public notice supplied earlier.

Please contact me or Mr. Scott Mills at (214) 875-9090 if there you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Sid Stroud". The signature is fluid and cursive, with the first name "Sid" and last name "Stroud" clearly distinguishable.

Sid Stroud

SS/SS/tg
Enclosures

Mr. Alexander C. Schoch, Interim Director
Page two
July 2, 2019

Bxc: "One Team"

File: Mining\Permitting\2019-07-01 THM Rev 34 H-Area Reclamation Plan - Additional Copies



Sid Stroud
Manager, Mine Compliance
Environmental Services
sid.stroud@luminant.com

Luminant
6555 Sierra Drive
Irving, Texas 75039

T 214.875.9129
C 214.729.2171
F 214.875.8699

June 26, 2019

Mr. Alexander C. Schoch, Interim Director
Surface Mining and Reclamation Division
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967

Railroad Commission
of Texas
RECEIVED

JUN 27 2019

Surface Mining Division

RE: Luminant Mining Company LLC ("Luminant")
Monticello-Thermo Mine, Permit No. 5G
Revision Application No. 34
H-Area Reclamation Plan

Dear Mr. Schoch:

Luminant submitted Revision Application No. 34 to the Commission by letter dated July 31, 2017 seeking approval for a revision to the H-Area reclamation plan at the Monticello-Thermo Mine. By letter dated May 6, 2019 Luminant provided Supplemental Document No. 1 in response to Staff's technical review comment letter dated September 21, 2018. In your May 29, 2019 letter, Staff made a finding that Luminant's proposed changes to the reclamation plan could potentially impact adjacent landowners and the environment. Further, the Commission maintains that Revision Application No. 34 is a significant departure from the approved reclamation plan and should be processed as a significant permit revision.

While Luminant disagrees with Staff's finding of potential impacts to adjacent landowners and the environment, further consultation with Staff review team members on June 24, 2019 provided additional clarification yielding compelling opinions that the application could be efficiently processed through the significant revision review process.

Luminant hereby requests that Staff process the subject application as a significant revision to Permit 5G. Accordingly, enclosed is a draft public notice and associated location map for the proposed H-Area reclamation plan. Please note that Form SMRD-1C was provided to Staff in the original Revision Application No. 34 dated August 1, 2017.

Please contact Scott Mills at (214) 875-9090 if you have any questions.

Sincerely,

Sid Stroud

SS/SM/tg

enclosure

JUN 27 2019

PUBLIC NOTICE
NOTICE OF APPLICATION FOR
REVISION OF SURFACE MINING PERMIT No. 5G
Surface Mining Division Monticello-Thermo Mine, Revision Application No. 34
Luminant Mining Company LLC
Docket No. _____

Luminant Mining Company LLC ("Luminant"), 6555 Sierra Drive, Irving, Texas 75039 has submitted a permit revision application titled Monticello-Thermo Mine, Permit No. 5G, Revision Application No. 34 ("Application"), to the Railroad Commission of Texas Surface Mining and Reclamation Division ("Commission") for approval. Revision Application No. 34 proposes to revise the reclamation plan for an approximate 85-acre area of the H-Area within the Monticello-Thermo Mine by updating post mine slopes and post mine contours. This application also shows the revised location of the H-03 Permanent Impoundment as a result of ceasing mining operations. A Form SMRD-1C is also included within Revision Application No. 34 to update Luminant's mailing address and the list on names of individuals who are authorized to act on behalf of the applicant. Permit 5G, issued on December 14, 2010, contains approximately 4,506 acres and is located in Hopkins County, Texas.

Copies of the Application are on file with and available for public inspection at the agencies and locations identified below. A copy of the complete application dated August 1, 2017 (1-volume) and Supplemental Document No. 1 dated May 6, 2019 (1-volume) may be inspected in the main office of the Railroad Commission of Texas at 1701 North Congress, William B. Travis Building, Austin, Texas, or at the office of the Hopkins County Clerk, Hopkins County Courthouse Annex, 128 Jefferson Street E., Sulphur Springs, Texas, 75482.

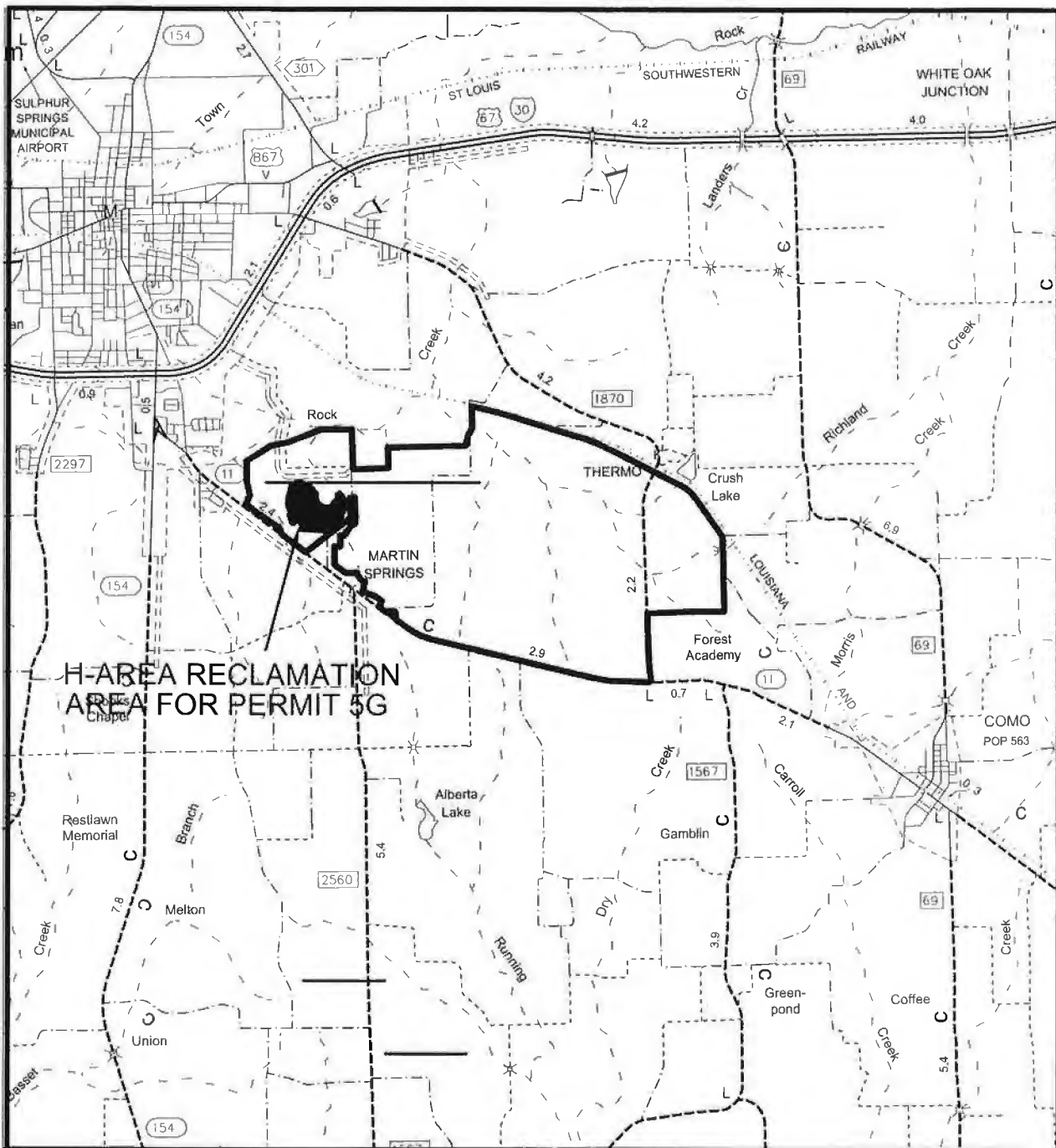
This permit application may be supplemented from time to time during the review process, with supplemental information placed in separate volumes and filed for public inspection. Interested persons should contact the Administrative Law Judge or continue to check the public copies of the application to determine the current status.

As depicted on the location map included with this public notice, Permit 5G lies approximately three miles southeast of the town of Sulphur Springs, Texas. The permit boundary follows State Highway No. 11 from the intersection of FM 1870 westward to the intersection of Hopkins County Road No. 2309 where it meanders westward along property tract boundaries to a point near the intersection of State Highway No. 11 and County Road No. 2307. The boundary then generally follows County Road No. 2307 northward for approximately 0.7 mile where it turns and runs southwestward until it intersects State Highway No. 11. The boundary then generally follows State Highway No. 11 northwestward approximately 0.7 mile where it turns north and then eastward before dropping southward to intersect CR 2307. The boundary then moves northeastward to again intersect CR 2309. It then follows CR 2309 northward to intersect the Louisiana-Arkansas Railroad where it follows the railroad's southern right-of-way eastward to a point approximately one mile past the intersection of FM 1870. The boundary then drops southward for approximately 0.7 miles and then moves westward to again intersect FM 1870 where it follows FM 1870 southward to State Highway No. 11. Permit 5G is contained within the "Sulphur Springs S.E." U.S. Geological Survey 7.5 minute Quadrangle map for Texas.

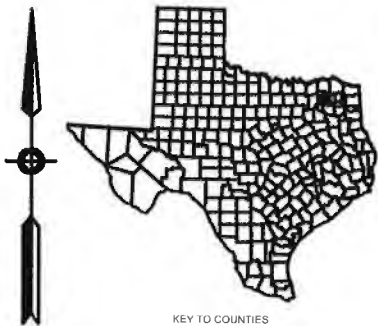
The Application is made pursuant to the Texas Surface Coal Mining and Reclamation Act, TEX. NAT. RES. CODE ANN. Chapter 134 (Vernon Supp. 2018) and the Coal Mining Regulations, Texas Railroad Commission, TEX. ADMIN. CODE, Title 16, Part 1, Chapter 12 (Thomson West 2018). Notice will be published once a week for four consecutive weeks. Requests for public hearing must be submitted within 45 days of the last date of publication of this notice. Interested persons are invited to submit written comments on the application within 30 days of the last date of publication of this notice. All written comments, objections or requests for public hearing or informal conference on the Application should be directed to:

_____, Administrative Law Judge
Hearings Division
C/o Docket Services, Docket No. _____
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967

Luminant proposes to conduct reclamation activities on property it owns, property owned by Luminant Generation Company LLC or property where a valid coal and lignite lease exists.



LUMINANT MINING CO.



KEY TO COUNTIES



PERMIT 5G BOUNDARY

PROJECT LOCATION MAP

SCALE: 1in = Approx. 1.5 mi.



RAILROAD COMMISSION OF TEXAS

SURFACE MINING AND RECLAMATION DIVISION

May 29, 2019

Sent by Email

Mr. Sid Stroud
Manager, Mine Compliance
Luminant
Environmental Services
6555 Sierra Drive
Irving, TX 75039

RE: Monticello-Thermo Mine, Permit No. 5G
Revision No. 34
H-Area Reclamation Plan

Dear Mr. Stroud:

By letter dated July 31, 2017, you submitted the subject application to revise the postmine topography of portions of the H Area and to request approval of a proposed H-Area reclamation plan, which includes general design plans for H-03 Permanent Impoundment and a Form SMRD-1C updating the mailing addresses and listing of individuals who are authorized to act on behalf of Luminant. You provided a \$500 revision-application filing fee with the initial application.

In response to my letter dated December 5, 2017, in which you were notified of SMRD's determination that the application was a significant revision to the approved permit under 16 TEXAS ADMIN. CODE §12.226(a), you provided additional information by letter dated February 15, 2018. In response to SMRD's subsequent review letter dated September 21, 2018, notifying you that the earlier determination still stood, you provided your letter dated May 6, 2019. In this letter, you again request that the decision regarding significant processing be rescinded.

Upon further review of the file for this application and your May 6 letter, I continue to find that Luminant proposes changes to the reclamation plan in the application which are likely to significantly change the effect the mining operation would have on either those persons impacted by the permitted operation or on the environment [16 TEXAS ADMIN. CODE §12.226(a)(1)]. None of the information furnished to date suggests that this revision is not significant. Accordingly, please advise me by June 14, 2019, as to whether Luminant will proceed with the approved reclamation plan or undertake some other course of conduct with regard to the revision application.

Processing of the application, which was suspended as noted in SMRD's January 19, 2018, letter will proceed once your response is provided. Please contact Mr. Martin Alvarez, coordinator for review of this application, should you have any questions at 512-463-2499.

Sincerely,

A handwritten signature in blue ink, appearing to read "ASchoch".

Alexander C. Schoch, Interim Director
Surface Mining and Reclamation Division

ACS/MA/TGW/rv
File Reference No. 1721314